

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2857

By: Sherrer

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6 AS INTRODUCED

7 An Act relating to feral swine; amending 2 O.S. 2011,
8 Section 6-604, which relates to removal of feral
9 swine; removing permit requirement to kill feral
10 swine at night; requiring certain lighting be used to
11 remove feral swine at night; amending 29 O.S. 2011,
12 Section 4-135, which relates to permits to control
13 nuisances; removing permit requirement to kill feral
14 swine at night; amending 29 O.S. 2011, Section 5-
15 203.1, which relates to headlighting; permitting the
16 use of certain lights to remove feral swine; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 2 O.S. 2011, Section 6-604, is
20 amended to read as follows:

21 Section 6-604. A. Except as otherwise specified in the Feral
22 Swine Control Act, any person with permission of the owner may
23 remove feral swine from private or public property during daylight
24 hours.

25 B. Any person ~~who intends to kill or attempt to kill feral~~
26 ~~swine at night shall obtain a permit issued by the Department of~~
27 ~~Wildlife Conservation pursuant to Section 4-135 of Title 29 of the~~

1 ~~Oklahoma Statutes and promulgated rules~~ with permission of the owner
2 may remove feral swine from private property during nighttime hours;
3 provided that any person who removes feral swine during nighttime
4 hours shall use an illuminating source or light enhancement device
5 designed to be carried on one's person, including, but not limited
6 to, flashlights, floodlights, spotlights, hand lanterns, carbide
7 lamps, night scopes or similar lights carried on one's person and
8 not designed to be attached to or a part of a motor vehicle or water
9 conveyance.

10 SECTION 2. AMENDATORY 29 O.S. 2011, Section 4-135, is
11 amended to read as follows:

12 Section 4-135. A. The Department of Wildlife Conservation is
13 authorized to issue permits to landowners, lessees, or their
14 designated agents and to any entity of state, county, or local
15 government to control nuisance or damage by any species of wildlife
16 including, but not limited to, beaver, coyote, deer, bobcat,
17 raccoon, and crow under rules promulgated by the Oklahoma Wildlife
18 Conservation Commission. The permits may be issued without
19 limitation by statewide season regulations, bag limits or methods of
20 taking. ~~A permitted landowner, lessee or a designated agent of the~~
21 ~~landowner or lessee may, with a valid permit issued pursuant to this~~
22 ~~section, control the wildlife specified in this subsection and feral~~
23 ~~swine at night to protect marketable agricultural crops, livestock,~~

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1 ~~or processed feed, seed or other materials used in the production of~~
2 ~~an agricultural commodity.~~

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

9 C. Notwithstanding the provisions of Section 5-203.1 of this
10 title, a landowner, lessee, or designated agent of the landowner or
11 lessee with a valid permit may use a headlight carried on the person
12 while hunting at night. Nothing in this section shall authorize the
13 use of a headlight mounted on a vehicle or the use of a headlight
14 from a public roadway.

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

22 E. Notwithstanding the provisions of Section 1289.13 of Title
23 21 of the Oklahoma Statutes, it shall be lawful for any private
24 landowner or designated employee of the landowner or lessee to have

1 a chamber-loaded firearm on property owned by the landowner, and to
2 use the firearm for the purpose of controlling nuisance or damage by
3 any wildlife or feral swine. Nothing in this section shall
4 authorize any convicted felon to carry a firearm.

5 SECTION 3. AMENDATORY 29 O.S. 2011, Section 5-203.1, is
6 amended to read as follows:

7 Section 5-203.1 A. No person may attempt to take, take,
8 attempt to catch, catch, attempt to capture, capture, attempt to
9 kill, or kill any deer, feral animal or other wildlife except feral
10 swine, fish and frogs by the use of a vehicle-mounted spotlight or
11 other powerful light at night, by what is commonly known as
12 "headlighting". Provided, however, nothing in this section shall
13 prevent one from possessing a .22 caliber rimfire rifle or .22
14 pistol and a light carried while in pursuit of furbearers with
15 hounds during the legal, open furbearers season, while possessing a
16 valid hunting license.

17 B. Any person may use a shotgun, using No. 6 size shot or
18 smaller, longbow, light and a call for the purpose of hunting
19 predatory animals, provided that written permission is obtained from
20 the local game warden for each twenty-four-hour period of hunting.

21 C. It shall be illegal to hunt from a boat with a firearm from
22 sunset until one-half (1/2) hour before sunrise. This shall not
23 pertain to hunting of waterfowl enroute from bank to blind with
24 unloaded shotguns.

1 D. Except as otherwise provided for in this section, no person
2 may harass, attempt to capture, capture, attempt to take or take,
3 kill or attempt to kill any wildlife with the aid of any motor-
4 driven land, air or water conveyance. A nonambulatory person may
5 hunt from said conveyances with written permission of the Director
6 of Wildlife Conservation. A person may hunt from an air conveyance
7 if issued a permit pursuant to Section 1 of this act. Nothing in
8 this section shall prevent the use of motor-driven land or water
9 conveyances for following dogs in the act of hunting, when use is
10 restricted to public roads or waterways. Motor-driven land or water
11 conveyances may be used on private property for following dogs in
12 the act of hunting with the permission of the landowner or occupant.

13 E. Employees of the Oklahoma Department of Agriculture, Food,
14 and Forestry Wildlife Services Division and the United States
15 Department of Agriculture Wildlife Services while engaged in
16 wildlife management activities for the protection of agriculture,
17 property, human health and safety and natural resources shall be
18 exempt from the provisions of this section.

19 F. Any person convicted of violating the provisions of this
20 section shall be guilty of a misdemeanor and shall be punished by a
21 fine of not less than Two Hundred Fifty Dollars (\$250.00) for a
22 first offense and not less than Five Hundred Dollars (\$500.00) for a
23 second offense or by imprisonment in the county jail for not less
24 than ten (10) days nor more than one (1) year, or by confiscation

1 pursuant to Section 5-402 of this title or by such fine,
2 imprisonment and confiscation.

3 SECTION 4. This act shall become effective November 1, 2014.

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