

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2637 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Kevin Wallace

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 2637

By: Wallace

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to game and fish; creating the
Hunting Freedom Act; amending 29 O.S. 2011, Section
5-201, as last amended by Section 1, Chapter 245,
O.S.L. 2015 (29 O.S. Supp. 2015, Section 5-201),
which relates to the means of taking wildlife;
modifying prohibition from using certain devices;
deleting certain exemption; making it unlawful to use
subsonic ammunition under certain circumstances;
defining terms; clarifying requirement to comply with
certain law; providing for noncodification; and
providing an effective date.

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

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

This act shall be known and may be cited as the "Hunting Freedom
Act".

SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-201, as
last amended by Section 1, Chapter 245, O.S.L. 2015 (29 O.S. Supp.
2015, Section 5-201), is amended to read as follows:

1 Section 5-201. A. Except as otherwise provided for in this
2 section, no person may utilize at any time, for the purpose of
3 killing or capturing any game mammal, game bird, nongame bird or
4 exotic wildlife, the following means:

5 1. Any trap, net, snare, cage, pitfall, baited hook or similar
6 device;

7 2. Any drug, poison, narcotic, explosive or similar substance;

8 3. Any swivel or punt gun of greater calibre than ten (10)
9 gauge;

10 4. Any device which generates electricity; or

11 5. Any device which noticeably suppresses noise from a firearm,
12 commonly known as a suppressor or silencer that is not registered in
13 compliance with the requirements of the National Firearms Act.

14 B. Except as otherwise provided for in this section, no person
15 shall hunt wildlife or exotic wildlife by computer-assisted remote
16 control hunting.

17 C. Except as otherwise provided for in this section, no person
18 shall engage in any activity that provides, sells, offers for sale,
19 assists in, or provides facilities for computer-assisted remote
20 control hunting of wildlife or exotic wildlife.

21 D. The following persons shall be exempt from the prohibition
22 in subsection A of this section:

23 1. The Director, departmental employees and authorized agents
24 when capturing wildlife for propagation or management purposes;

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

7 3. Any person possessing a scientific purposes license under
8 Section 4-118 of this title;

9 4. Employees of the Oklahoma Department of Agriculture, Food,
10 and Forestry Wildlife Services Division and the United States
11 Department of Agriculture Wildlife Services while engaged in
12 wildlife management activities for the protection of agriculture,
13 property, human health and safety and natural resources; or

14 5. Any person using nonlethal, nonchemical capture or restraint
15 of animals on licensed commercial hunt areas for management, viewing
16 or photographic purposes.

17 E. 1. ~~The following persons shall be exempt from the~~
18 ~~prohibition specified in paragraph 5 of subsection A of this~~
19 ~~section:~~

20 a. ~~any person hunting on property owned by the person,~~
21 and

22 b. ~~any guest or other person hunting on property with the~~
23 ~~permission of the owner of the property~~

1 It shall be unlawful for any person while hunting on public land
2 to use subsonic ammunition while also using a device as described in
3 paragraph 5 of subsection A of this section. For purposes of this
4 section, "subsonic ammunition" means ammunition designed to operate
5 at speeds less than the speed of sound which avoids the bullet
6 making a supersonic shockwave or "crack" as the bullet travels.

7 2. Nothing in this ~~subsection~~ section shall be construed to
8 exempt any person using a device as described in paragraph 5 of
9 subsection A of this section from the requirements and provisions of
10 the National Firearms Act and regulations and tax requirements for
11 lawful use of ~~a weapon as described in paragraph 5 of subsection A~~
12 ~~of this section~~ the device.

13 F. A person shall be exempt from the prohibition in subsection
14 B of this section if the person is permanently physically disabled
15 so that the person is physically incapable of using a firearm,
16 crossbow, or conventional bow as certified in writing by a physician
17 licensed to practice medicine. A person who has received
18 certification as provided for in this paragraph shall have in their
19 possession written evidence of the certification while in the field
20 hunting.

21 G. A person shall be exempt from the prohibition in subsection
22 C of this section if the person is engaged in providing facilities
23 for, assisting in, selling, or offering for sale a computer-assisted
24 remote control hunting activity for a person who is physically

1 disabled as described in subsection F of this section. The
2 physically disabled person shall be physically present where the
3 hunting activity is occurring and be in control and operating the
4 computer-assisted remote control means to take wildlife or exotic
5 wildlife.

6 H. 1. Any person convicted of violating the provisions of
7 subsection A of this section shall be punished by a fine of not less
8 than One Hundred Dollars (\$100.00) nor more than Five Hundred
9 Dollars (\$500.00).

10 2. Any person convicted of violating the provisions of
11 subsection B or C of this section shall be punished by a fine of not
12 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
13 Hundred Dollars (\$500.00) or by imprisonment in the county jail not
14 exceeding one (1) year, or by both the fine and imprisonment. In
15 addition, the court may order that the hunting or fishing license
16 and privileges of any person convicted of violating the provisions
17 of subsection B or C of this section be revoked for a period of not
18 less than one (1) year but not exceeding five (5) years. The cost
19 of reinstating a hunting or fishing license revoked pursuant to this
20 subsection for residents shall be Two Hundred Dollars (\$200.00) for
21 each license and for nonresidents shall be Five Hundred Dollars
22 (\$500.00) for each license. The reinstatement fee shall be in
23 addition to any other fees required for the hunting or fishing
24 license.

1 3. Any person convicted of a wildlife offense which involves a
2 species of wildlife listed in Section 5-411 of this title, involves
3 a species of wildlife referenced in Section 5-412 of this title or
4 involves the unlawful possession, taking or killing of the wildlife
5 from an unlawful hunt, chase, trap, capture, shooting, killing or
6 slaughter while using a suppressed firearm during the commission of
7 the wildlife offense, in addition to any other penalty otherwise
8 provided for in law, shall be punished by a fine of not less than
9 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars
10 (\$1,000.00) or by imprisonment in the county jail not exceeding one
11 (1) year, or by both the fine and imprisonment. In addition, the
12 court may order that the hunting or fishing license and privileges
13 of the person be revoked for a period of not less than one (1) year
14 but not exceeding five (5) years.

15 SECTION 3. This act shall become effective November 1, 2016.
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