STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1068 By: Cleveland

AS INTRODUCED

An Act relating to feral swine; amending 2 O.S. 2011, Section 6-604, which relates to removal of feral swine; eliminating permit requirement to kill feral swine at night; authorizing the removal of feral swine under certain circumstances; authorizing the use of certain light devices except during deer season; requiring the Department of Wildlife Conservation to develop certain registration process; requiring information be submitted; providing time period for valid registration; amending 29 O.S. 2011, Section 4-135, which relates to permits to control nuisances; eliminating permit requirement to kill feral swine at night; amending 29 O.S. 2011, Section 5-203.1, which relates to headlighting; permitting the use of certain lights to remove feral swine; and providing an effective date.

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

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

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

B. Any person ~~who intends to kill or attempt to kill feral swine at night shall obtain a permit issued by the Department of Wildlife Conservation pursuant to Section 4-135 of Title 29 of the Oklahoma Statutes and promulgated rules~~ with permission of the landowner or lessee may remove feral swine from private property during nighttime hours after completing an online registration process on the Department of Wildlife and Conservation's website. Any person who attempts to remove feral swine pursuant to this subsection may use an illuminating source of light enhancement device designed to be carried on one's person, provided that no such device shall be used during designated deer hunting seasons as specified in rules promulgated by the Department of Wildlife Conservation. The Department shall develop an online registration process in which persons may register at any time before they attempt to remove feral swine pursuant to this subsection. The registrant shall submit the following information:

1. Name;

2. Contact information; and

3. Name and contact information of the landowner or lessee of the private land in which the registrant intends to remove feral swine.

The registrant shall only attempt to remove feral swine for up to twelve (12) hours after completing the online registration and shall complete another registration thereafter. There shall be no limit

on the amount of times a registrant may complete the registration process.

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

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

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

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

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

E. Notwithstanding the provisions of Section 1289.13 of Title 21 of the Oklahoma Statutes, it shall be lawful for any private landowner or designated employee of the landowner or lessee to have a chamber-loaded firearm on property owned by the landowner, and to use the firearm for the purpose of controlling nuisance or damage by any wildlife or feral swine. Nothing in this section shall authorize any convicted felon to carry a firearm.

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

Section 5-203.1 A. No person may attempt to take, take, attempt to catch, catch, attempt to capture, capture, attempt to

kill, or kill any deer, feral animal or other wildlife except feral swine as provided by Section 6-604 of this title, fish and frogs by the use of a vehicle mounted spotlight or other powerful light at night, by what is commonly known as "headlighting". Provided, however, nothing in this section shall prevent one from possessing a .22 caliber rimfire rifle or .22 pistol and a light carried while in pursuit of furbearers with hounds during the legal, open furbearers season, while possessing a valid hunting license.

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

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

D. Except as otherwise provided for in this section, no person may harass, attempt to capture, capture, attempt to take or take, kill or attempt to kill any wildlife with the aid of any motor-driven land, air or water conveyance. A nonambulatory person may hunt from said conveyances with written permission of the Director of Wildlife Conservation. A person may hunt from an air conveyance if issued a permit pursuant to Section ~~1~~ 4-107.2 of this ~~act~~ title. Nothing in this section shall prevent the use of motor-driven land

or water conveyances for following dogs in the act of hunting, when use is restricted to public roads or waterways. Motor-driven land or water conveyances may be used on private property for following dogs in the act of hunting with the permission of the landowner or occupant.

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

F. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) for a first offense and not less than Five Hundred Dollars ($500.00) for a second offense or by imprisonment in the county jail for not less than ten (10) days nor more than one (1) year, or by confiscation pursuant to Section 5-402 of this title or by such fine, imprisonment and confiscation.

SECTION 4. This act shall become effective November 1, 2015.

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