

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1453

By: Brecheen

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5
6 AS INTRODUCED

7 An Act relating to feral swine; amending 29 O.S.
8 2011, Sections 4-135 and 5-203.1, which relate to
9 control of nuisance wildlife and hunting
10 restrictions; making it lawful to control certain
11 nuisance wildlife; providing an exception; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-135, is
15 amended to read as follows:

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

1 section, control the wildlife specified in this subsection ~~and feral~~
2 ~~swine at night~~ to protect marketable agricultural crops, livestock,
3 or processed feed, seed or other materials used in the production of
4 an agricultural commodity.

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

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

17 D. Any person who has been convicted of, or pled guilty to, a
18 violation of Section 5-203.1 or Section 5-411 of this title within
19 the previous three (3) years shall not be eligible to receive a
20 permit pursuant to this section. The permit can be issued by the
21 local game warden in the county for which the permit is to be used
22 or by the Law Enforcement Division of the Department of Wildlife
23 Conservation.
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1 E. Notwithstanding the provisions of Section 1289.13 of Title
2 21 of the Oklahoma Statutes, it shall be lawful for any private
3 landowner or designated employee of the landowner or lessee to ~~have~~
4 possess a chamber-loaded firearm on property owned by the landowner,
5 and to use the firearm for the purpose of controlling nuisance or
6 damage by any wildlife ~~or feral swine~~. Nothing in this section
7 shall authorize any convicted felon to carry a firearm.

8 F. Notwithstanding the provisions of Section 1289.13 of Title
9 21 of the Oklahoma Statutes, it shall be lawful for any private
10 landowner or any person with permission of the landowner or lessee
11 to possess a chamber-loaded firearm on property owned by the
12 landowner, and to use the firearm for the purpose of controlling
13 nuisance or damage by feral swine. Nothing in this section shall
14 authorize any convicted felon to carry a firearm.

15 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-203.1, is
16 amended to read as follows:

17 Section 5-203.1. A. No person may attempt to take, take,
18 attempt to catch, catch, attempt to capture, capture, attempt to
19 kill, or kill any deer, feral animal or other wildlife except fish,
20 feral swine and frogs by the use of a vehicle mounted spotlight or
21 other powerful light at night, by what is commonly known as
22 "headlighting". Provided, however, nothing in this section shall
23 prevent one from possessing a .22 caliber rimfire rifle or .22
24 pistol and a light carried while in pursuit of furbearers with

1 hounds during the legal, open furbearers season, while possessing a
2 valid hunting license.

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

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

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

23 E. Employees of the Oklahoma Department of Agriculture, Food,
24 and Forestry Wildlife Services Division and the United States

1 Department of Agriculture Wildlife Services while engaged in
2 wildlife management activities for the protection of agriculture,
3 property, human health and safety and natural resources shall be
4 exempt from the provisions of this section.

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

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