

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1743

By: Russell, Newberry, Shortey,
Ivester, Marlatt, Treat,
Brinkley, Childers, David,
Schulz and Brecheen of the
Senate

and

Osborn of the House

COMMITTEE SUBSTITUTE

An Act relating to wildlife; creating the Landowner's
Hunting Freedom Act; providing short title; amending
29 O.S. 2011, Section 5-201, which relates to means
of taking wildlife; clarifying language; exempting
certain persons from prohibition for using a certain
device; clarifying application of exemption on
certain requirements and provisions of certain laws;
adding a penalty; allowing a court to order a
revocation of certain licenses; 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 "Landowner's
Hunting Freedom Act".

SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-201, is amended to read as follows:

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

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

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

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

4. Any device which generates electricity; or

5. Any device which noticeably suppresses noise from a firearm, commonly known as a ~~silencer~~ suppressor.

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

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

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

1. The Director, departmental employees and authorized agents 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; or

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.

14 E. 1. The following persons shall be exempt from the
15 prohibition specified in paragraph 5 of subsection A of this
16 section:

17 a. any person hunting on property owned by the person,

18 and

19 b. any guest or other person hunting on property with the
20 permission of the owner of the property.

21 2. Nothing in this subsection shall be construed to exempt any
22 person from the requirements and provisions of the National Firearms
23 Act and regulations and tax requirements for lawful use of a weapon
24 as described in paragraph 5 of subsection A of this section.

1 F. A person shall be exempt from the prohibition in subsection
2 B of this section if the person is permanently physically disabled
3 so that the person is physically incapable of using a firearm,
4 crossbow, or conventional bow as certified in writing by a physician
5 licensed to practice medicine. A person who has received
6 certification as provided for in this ~~paragraph~~ subsection shall
7 have in their possession written evidence of the certification while
8 in the field hunting.

9 ~~F.~~ G. A person shall be exempt from the prohibition in
10 subsection C of this section if the person is engaged in providing
11 facilities for, assisting in, selling, or offering for sale a
12 computer-assisted remote control hunting activity for a person who
13 is physically disabled as described in subsection ~~E~~ F of this
14 section. The physically disabled person shall be physically present
15 where the hunting activity is occurring and be in control and
16 operating the computer-assisted remote control means to take
17 wildlife.

18 ~~G.~~ H. 1. Any person convicted of violating the provisions of
19 subsection A of this section shall be punished by a fine of not less
20 than One Hundred Dollars (\$100.00) nor more than Five Hundred
21 Dollars (\$500.00).

22 2. Any person convicted of violating the provisions of
23 subsection B or C of this section shall be punished by a fine of not
24 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five

1 Hundred Dollars (\$500.00) or by imprisonment in the county jail not
2 exceeding one (1) year, or by both the fine and imprisonment. In
3 addition, the court may order that the hunting or fishing license
4 and privileges of any person convicted of violating the provisions
5 of subsection B or C of this section be revoked for a period of not
6 less than one (1) year but not exceeding five (5) years. The cost
7 of reinstating a hunting or fishing license revoked pursuant to this
8 subsection for residents shall be Two Hundred Dollars (\$200.00) for
9 each license and for nonresidents shall be Five Hundred Dollars
10 (\$500.00) for each license. The reinstatement fee shall be in
11 addition to any other fees required for the hunting or fishing
12 license.

13 3. Any person convicted of a wildlife offense which involves a
14 species of wildlife listed in Section 5-411 of this title, involves
15 a species of wildlife referenced in Section 5-412 of this title or
16 involves the unlawful possession, taking or killing of the wildlife
17 from an unlawful hunt, chase, trap, capture, shooting, killing or
18 slaughter by any means and who was using a suppressed firearm during
19 the commission of the wildlife offense, in addition to any other
20 penalty otherwise provided for in law, shall be punished by a fine
21 of not less than Five Hundred Dollars (\$500.00) nor more than One
22 Thousand Dollars (\$1,000.00) or by imprisonment in the county jail
23 not exceeding one (1) year, or by both the fine and imprisonment.
24 In addition, the court may order that the hunting or fishing license

1 and privileges of the person be revoked for a period of not less
2 than one (1) year but not exceeding five (5) years. The cost of
3 reinstating a hunting or fishing license revoked pursuant to this
4 paragraph for residents shall be Two Hundred Dollars (\$200.00) for
5 each license and for nonresidents shall be Five Hundred Dollars
6 (\$500.00) for each license. The reinstatement fee shall be in
7 addition to any other fees required for the hunting or fishing
8 license.

9 SECTION 3. This act shall become effective November 1, 2012.

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