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February 28, 2012

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 1743

By: Russell of the Senate

and

Osborn of the House

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[ wildlife - Landowner's Hunting Freedom Act -  
noncodification - effective date ]
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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;

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

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

1       4. Employees of the Oklahoma Department of Agriculture, Food,  
2 and Forestry Wildlife Services Division and the United States  
3 Department of Agriculture Wildlife Services while engaged in  
4 wildlife management activities for the protection of agriculture,  
5 property, human health and safety and natural resources.

6       E. 1. The following persons shall be exempt from the  
7 prohibition specified in paragraph 5 of subsection A of this  
8 section:

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

10           and

11           b. any guest or other person hunting on property with the  
12           permission of the owner of the property.

13       2. Nothing in this subsection shall be construed to exempt  
14 landowners or their guests from the requirements and provisions of  
15 the National Firearms Act regulations and tax requirements for  
16 lawful use of such weapons.

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

1       ~~F.~~ G. A person shall be exempt from the prohibition in  
2 subsection C of this section if the person is engaged in providing  
3 facilities for, assisting in, selling, or offering for sale a  
4 computer-assisted remote control hunting activity for a person who  
5 is physically disabled as described in subsection E of this section.  
6 The physically disabled person shall be physically present where the  
7 hunting activity is occurring and be in control and operating the  
8 computer-assisted remote control means to take wildlife.

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

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

1 (\$500.00) for each license. The reinstatement fee shall be in  
2 addition to any other fees required for the hunting or fishing  
3 license.

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

5 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,  
6 dated 2-27-12 - DO PASS, As Amended and Coauthored.  
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