

# An Act

## CORRECTED

ENROLLED SENATE  
BILL NO. 1142

By: Dahm and Loveless of the  
Senate

and

Roberts (Sean), Bennett,  
Cleveland, Vaughn,  
Cockroft, Jordan, Wood,  
Hardin and Coody (Jeff) of  
the House

An Act relating to game and fish; amending 2 O.S. 2011, Section 6-604, which relates to the Feral Swine Control Act; expanding authorization to remove feral swine at night; providing no license or permit shall be required to remove feral swine under certain circumstances; eliminating permit requirement to remove feral swine at night; authorizing the use of motor-driven land conveyance headlights and night-vision equipment when removing feral swine; amending 29 O.S. 2011, Section 2-138, which relates to the definition of resident; clarifying residency status of a child when there is a joint custody order; amending 29 O.S. 2011, Section 4-135, which relates to permits to control nuisance animals; removing reference to permit to kill feral swine; updating statutory language; amending 29 O.S. 2011, Section 5-203.1, which relates to headlighting; permitting the use of certain lights and motor-driven conveyance to remove feral swine; repealing 2 O.S. 2011, Section 6-605, which relates to special permit to kill feral swine; and providing an effective date.

SUBJECT: Feral swine hunting

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 or at night. Any person who removes or attempts to remove feral swine pursuant to this section shall not be required to obtain a license to hunt wildlife issued by the Department of Wildlife Conservation or a permit to control wildlife issued pursuant to Section 4-135 of Title 29 of the Oklahoma Statutes.

~~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~~ Any person who removes or attempts to remove feral swine pursuant to this section may use a motor-driven land conveyance to pursue or follow feral swine, may use a vehicle-mounted spotlight or other powerful light also known as a headlight and may use night-vision equipment that uses either image-enhancement technology or thermal-imaging technology.

SECTION 2. AMENDATORY 29 O.S. 2011, Section 2-138, is amended to read as follows:

Section 2-138. "Resident" is any individual who has an established bona fide or actual residence in Oklahoma for a period of not less than sixty (60) consecutive days immediately preceding the date the application for a license, permit, stamp, or any other issue of the Department is submitted. The burden of establishing proof of residency shall be on the person claiming residency status. A person holding a valid driver license or permit to operate a motor vehicle shall be deemed to be a resident of the state issuing the license or permit. For a valid Oklahoma driver license to be used as the sole source of proof of residency, it shall have been issued not less than sixty (60) days prior to submission of the

application. If a person does not hold a valid Oklahoma driver license, the Department may consider other reliable documentation for establishing proof of residency including, but not limited to, property tax receipts, resident income tax returns, voter registration, motor vehicle or vessel registrations, and other public records documenting residence. Residency status of children under eighteen (18) years of age is presumed to be that of the custodial parent, including a custodial parent when there is a joint custody order and the physical custody of the child is shared by both parents, or legal guardian unless otherwise documented. Ownership or possession of real property in the state by a person residing outside the state shall not qualify the person as a resident. A person shall not be entitled to claim multiple states of residence, except as follows:

1. A person who is not otherwise a resident of the state and is a member of the Armed Forces of the United States and is on active duty and permanently assigned to a military installation located in the state shall be eligible to qualify as a resident if the person presents with the license application a certificate of assignment in the state from a commanding officer or designated representative. A spouse or dependent of the person who is not otherwise a resident of the state, is living within the same household and is similarly certified by a commanding officer, shall also be eligible to qualify as a resident;

2. The residency of a person shall not terminate upon entering the Armed Forces of the United States. A member of the Armed Forces of the United States on active duty, and any dependents of the member, is presumed to retain residency status in the state for purposes of purchasing any annual license issued by the Department of Wildlife Conservation as long as the member is on active duty as verified by valid military documentation; and

3. The residency status of any person, excluding a member of the Armed Forces of the United States while on active duty as verified by valid military documentation and any dependents of the member, shall terminate if the person obtains any resident hunting, fishing, trapping license or permit or valid driver license issued by another state.

SECTION 3. 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~~ may 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 4. 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 fish and, frogs and feral swine as provided for in Section 6-604 of Title 2 of the Oklahoma Statutes, 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 and except when removing feral swine as provided for in Section 6-604 of Title 2 of the Oklahoma Statutes, no person may harass, attempt to capture, capture, attempt to take or take, kill or attempt to kill any wildlife or feral swine 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 ~~4~~ 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 5. REPEALER 2 O.S. 2011, Section 6-605, is hereby repealed.

SECTION 6. This act shall become effective November 1, 2016.

Passed the Senate the 16th day of May, 2016.

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Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2016.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_