

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2637

By: Wallace

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to game and fish; creating the
10 Hunting Freedom Act; amending 29 O.S. 2011, Section
11 5-201, as last amended by Section 1, Chapter 245,
12 O.S.L. 2015 (29 O.S. Supp. 2015, Section 5-201),
13 which relates to the means of taking wildlife;
14 modifying prohibition from using certain devices;
15 deleting certain exemption; clarifying requirement to
16 comply with certain law; providing for
17 noncodification; and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 This act shall be known and may be cited as the "Hunting Freedom
22 Act".

23 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-201, as
24 last amended by Section 1, Chapter 245, O.S.L. 2015 (29 O.S. Supp.
25 2015, Section 5-201), is amended to read as follows:

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

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

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

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

10 4. Any device which generates electricity; or

11 5. Any device which noticeably suppresses noise from a firearm,
12 commonly known as a suppressor or silencer unless it is registered
13 in compliance with the requirements of federal law.

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

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

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

23 1. The Director, departmental employees and authorized agents
24 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;

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; or

14 5. Any person using nonlethal, nonchemical capture or restraint
15 of animals on licensed commercial hunt areas for management, viewing
16 or photographic purposes.

17 E. ~~1. The following persons shall be exempt from the~~
18 ~~prohibition specified in paragraph 5 of subsection A of this~~
19 ~~section:~~

20 a. ~~any person hunting on property owned by the person,~~
21 and

22 b. ~~any guest or other person hunting on property with the~~
23 ~~permission of the owner of the property.~~

1 ~~2.~~ Nothing in this ~~subsection~~ section shall be construed to
2 exempt any person using a device as described in paragraph 5 of
3 subsection A of this section from the requirements and provisions of
4 ~~the National Firearms Act and~~ federal law, federal regulations and
5 federal tax requirements for lawful use of ~~a weapon as described in~~
6 ~~paragraph 5 of subsection A of this section~~ the device.

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

15 G. A person shall be exempt from the prohibition in subsection
16 C of this section if the person is engaged in providing facilities
17 for, assisting in, selling, or offering for sale a computer-assisted
18 remote control hunting activity for a person who is physically
19 disabled as described in subsection F of this section. The
20 physically disabled person shall be physically present where the
21 hunting activity is occurring and be in control and operating the
22 computer-assisted remote control means to take wildlife or exotic
23 wildlife.
24

1 H. 1. Any person convicted of violating the provisions of
2 subsection A of this section shall be punished by a fine of not less
3 than One Hundred Dollars (\$100.00) nor more than Five Hundred
4 Dollars (\$500.00).

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

20 3. Any person convicted of a wildlife offense which involves a
21 species of wildlife listed in Section 5-411 of this title, involves
22 a species of wildlife referenced in Section 5-412 of this title or
23 involves the unlawful possession, taking or killing of the wildlife
24 from an unlawful hunt, chase, trap, capture, shooting, killing or

1 slaughter while using a suppressed firearm during the commission of
2 the wildlife offense, in addition to any other penalty otherwise
3 provided for in law, shall be punished by a fine of not less than
4 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars
5 (\$1,000.00) or by imprisonment in the county jail not exceeding one
6 (1) year, or by both the fine and imprisonment. In addition, the
7 court may order that the hunting or fishing license and privileges
8 of the person be revoked for a period of not less than one (1) year
9 but not exceeding five (5) years.

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

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12 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 02/22/2016 - DO
13 PASS, As Amended.
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