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March 31, 2015

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1651

By: Dunlap and Vaughan of the
House

and

Fields of the Senate

An Act relating to game and fish; amending 29 O.S. 2011, Section 5-201, as amended by Section 2, Chapter 294, O.S.L. 2012 (29 O.S. Supp. 2014, Section 5-201), which relates to the means of taking wildlife; adding exotic wildlife to list of wildlife that may not be taken by certain prohibited means; providing certain exception; and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 2011, Section 5-201, as amended by Section 2, Chapter 294, O.S.L. 2012 (29 O.S. Supp. 2014, 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 or exotic wildlife, the following means:

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

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

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

6 4. Any device which generates electricity; or

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

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

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

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

18 1. The Director, departmental employees and authorized agents
19 when capturing wildlife for propagation or management purposes;

20 2. Any person, group or governmental agency the Director may by
21 written permit authorize, where any species of nongame birds are
22 causing a nuisance or undue economic loss, as may be determined by
23 the Director. Such permit shall state the method of control and
24

1 specific procedures and conditions as may be deemed appropriate by
2 the Director;

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

5 4. Employees of the Oklahoma Department of Agriculture, Food,
6 and Forestry Wildlife Services Division and the United States
7 Department of Agriculture Wildlife Services while engaged in
8 wildlife management activities for the protection of agriculture,
9 property, human health and safety and natural resources; or

10 5. Any person using non-lethal, non-chemical capture or
11 restraint of animals on licensed commercial hunt areas for
12 management, viewing or photographic purposes.

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

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

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

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

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 shall have in their
7 possession written evidence of the certification while in the field
8 hunting.

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

18 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 while using a suppressed firearm during the commission of
19 the wildlife offense, in addition to any other penalty otherwise
20 provided for in law, shall be punished by a fine of not less than
21 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars
22 (\$1,000.00) or by imprisonment in the county jail not exceeding one
23 (1) year, or by both the fine and imprisonment. In addition, the
24 court may order that the hunting or fishing license and privileges

1 of the person be revoked for a period of not less than one (1) year
2 but not exceeding five (5) years.

3 SECTION 2. This act shall become effective November 1, 2015.

4 COMMITTEE REPORT BY: COMMITTEE ON TOURISM AND WILDLIFE
5 March 31, 2015 - DO PASS AS AMENDED
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