

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2637

By: Wallace

AS INTRODUCED

An Act relating to game and fish; creating the Hunting Freedom Act; amending 29 O.S. 2011, Section 5-201, as last amended by Section 1, Chapter 245, O.S.L. 2015 (29 O.S. Supp. 2015, Section 5-201), which relates to the means of taking wildlife; modifying prohibition from using certain devices; deleting certain exemption; clarifying requirement to comply with certain law; 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 "Hunting Freedom Act".

SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-201, as last amended by Section 1, Chapter 245, O.S.L. 2015 (29 O.S. Supp. 2015, 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

1 killing or capturing any game mammal, game bird, nongame bird or
2 exotic wildlife, the following means:

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

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

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

8 4. Any device which generates electricity; or

9 5. Any device which noticeably suppresses noise from a firearm,
10 commonly known as a suppressor or silencer and is not registered in
11 compliance with the requirements of the National Firearms Act.

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

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

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

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

23 2. Any person, group or governmental agency the Director may by
24 written permit authorize, where any species of nongame birds are

1 causing a nuisance or undue economic loss, as may be determined by
2 the Director. Such permit shall state the method of control and
3 specific procedures and conditions as may be deemed appropriate by
4 the Director;

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

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

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

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

18 a. ~~any person hunting on property owned by the person,~~
19 ~~and~~

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

22 ~~2.~~ Nothing in this ~~subsection~~ section shall be construed to
23 exempt any person using a device as described in paragraph 5 of
24 subsection A of this section from the requirements and provisions of

1 the National Firearms Act and regulations and tax requirements for
2 lawful use of ~~a weapon as described in paragraph 5 of subsection A~~
3 ~~of this section~~ the device.

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

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

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

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

16 3. Any person convicted of a wildlife offense which involves a
17 species of wildlife listed in Section 5-411 of this title, involves
18 a species of wildlife referenced in Section 5-412 of this title or
19 involves the unlawful possession, taking or killing of the wildlife
20 from an unlawful hunt, chase, trap, capture, shooting, killing or
21 slaughter while using a suppressed firearm during the commission of
22 the wildlife offense, in addition to any other penalty otherwise
23 provided for in law, shall be punished by a fine of not less than
24 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars

1 (\$1,000.00) or by imprisonment in the county jail not exceeding one
2 (1) year, or by both the fine and imprisonment. In addition, the
3 court may order that the hunting or fishing license and privileges
4 of the person be revoked for a period of not less than one (1) year
5 but not exceeding five (5) years.

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