

1 ENGROSSED HOUSE
2 BILL NO. 3496

By: Talley of the House

3 and

4 Allen of the Senate

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8 An Act relating to game and fish; amending 29 O.S.
9 2011, Section 5-201, as last amended by Section 2,
10 Chapter 165, O.S.L. 2016 (29 O.S. Supp. 2019, Section
11 5-201), which relates to means of taking wildlife;
12 making certain means of taking wildlife subject to
13 Wildlife Conservation Commission rules; amending 29
14 O.S. 2011, Sections 5-405 and 5-409, which relate to
15 wild game; modifying requirements for taking
16 furbearers; modifying requirements for taking
17 squirrels; repealing 29 O.S. 2011, Sections 5-501, as
18 amended by Section 2, Chapter 132, O.S.L. 2015 and 5-
19 502, as last amended by Section 3, Chapter 132,
20 O.S.L. 2015 (29 O.S. Supp. 2019, Sections 5-501 and
21 5-502), which relate to trapping; and providing an
22 effective date.

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

24 SECTION 1. AMENDATORY 29 O.S. 2011, Section 5-201, as
last amended by Section 2, Chapter 165, O.S.L. 2016 (29 O.S. Supp.
2019, Section 5-201), is amended to read as follows:

Section 5-201. A. Except as otherwise provided for in this
section or in rules promulgated by the Wildlife Conservation
Commission, 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~~ caliber than ten
7 (10) 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, unless it is registered
11 in compliance with the requirements of federal law.

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. Nothing in this section shall be construed to exempt any
16 person using a device as described in paragraph 5 of subsection A of
17 this section from the requirements and provisions of federal law,
18 federal regulations and federal tax requirements for lawful use of
19 the device.

20 F. A person shall be exempt from the prohibition in subsection
21 B of this section if the person is permanently physically disabled
22 so that the person is physically incapable of using a firearm,
23 crossbow, or conventional bow as certified in writing by a physician
24 licensed to practice medicine. A person who has received

1 certification as provided for in this paragraph shall have in ~~their~~
2 his or her possession written evidence of the certification while in
3 the field hunting.

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

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

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

1 less than one (1) year but not exceeding five (5) years. The cost
2 of reinstating a hunting or fishing license revoked pursuant to this
3 subsection for residents shall be Two Hundred Dollars (\$200.00) for
4 each license and for nonresidents shall be Five Hundred Dollars
5 (\$500.00) for each license. The reinstatement fee shall be in
6 addition to any other fees required for the hunting or fishing
7 license.

8 3. Any person convicted of a wildlife offense which involves a
9 species of wildlife listed in Section 5-411 of this title, involves
10 a species of wildlife referenced in Section 5-412 of this title or
11 involves the unlawful possession, taking or killing of the wildlife
12 from an unlawful hunt, chase, trap, capture, shooting, killing or
13 slaughter while using a suppressed firearm during the commission of
14 the wildlife offense, in addition to any other penalty otherwise
15 provided for in law, shall be punished by a fine of not less than
16 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars
17 (\$1,000.00) or by imprisonment in the county jail not exceeding one
18 (1) year, or by both the fine and imprisonment. In addition, the
19 court may order that the hunting or fishing license and privileges
20 of the person be revoked for a period of not less than one (1) year
21 but not exceeding five (5) years.

22 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-405, is
23 amended to read as follows:
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1 Section 5-405. A. ~~Except as otherwise provided, no person may~~
2 ~~hunt, kill, capture or otherwise take or destroy any furbearer,~~
3 ~~except from the first day of December to the last day of February,~~
4 ~~both dates inclusive.~~

5 B. ~~Any person who takes a pelt or pelts during the season shall~~
6 ~~have ten (10) working days after the close of the season to sell or~~
7 ~~dispose of the pelts or to provide written notification to the~~
8 ~~Department of Wildlife Conservation that the person intends to hold~~
9 ~~the pelts for later sale. Written notification shall be made on a~~
10 ~~form prescribed by the Department.~~

11 C. ~~Nothing contained in these provisions shall prevent the~~
12 ~~killing of~~ A person may hunt, kill, capture or otherwise take or
13 destroy any furbearer pursuant to this section or pursuant to rules
14 promulgated by the Wildlife Conservation Commission.

15 B. A person may kill furbearers actually found destroying
16 livestock, poultry or exotic livestock, ~~nor the running.~~ A person
17 may also run or ~~chasing of~~ chase a fox, bobcat and raccoon with dogs
18 for sport only. For purposes of this section, the term "exotic
19 livestock" means commercially raised exotic livestock including
20 animals of the families bovidae, cervidae and antilocapridae or
21 birds of the ratite group.

22 SECTION 3. AMENDATORY 29 O.S. 2011, Section 5-409, is
23 amended to read as follows:
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Section 5-409. A. Except as otherwise provided by law, no person ~~may shall~~ capture or kill squirrels except between May 15 to January 31, both dates inclusive, nor shall such person bag or possess more than two (2) day's limit of squirrels after the second day's hunt. ~~Bag~~ Season dates and bag limits shall be set by the Wildlife Conservation Commission.

B. No person may cut down or remove a tree being used as a den or nest by squirrels unless specific permission for such cutting or removal has been given by the owner or lessee of the land.

SECTION 4. REPEALER 29 O.S. 2011, Sections 5-501, as amended by Section 2, Chapter 132, O.S.L. 2015 and 5-502, as last amended by Section 3, Chapter 132, O.S.L. 2015 (29 O.S. Supp. 2019, Sections 5-501 and 5-502), are hereby repealed.

SECTION 5. This act shall become effective November 1, 2020.

Passed the House of Representatives the 2nd day of March, 2020.

Presiding Officer of the House
of Representatives

Passed the Senate the day of , 2020.

Presiding Officer of the Senate