

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 879, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Allen

Allen-QD-FS-Req#1827
3/7/2019 9:41 AM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 879

By: Allen of the Senate

and

Tadlock of the House

FLOOR SUBSTITUTE

[trapping - means of taking wildlife and furbearers
- exception - repealers - effective date]

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

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.
2018, 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, nongame bird or
exotic wildlife, the following means:

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

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

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

3 4. Any device which generates electricity; or

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

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

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

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

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

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

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

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

8 5. Any person using nonlethal, nonchemical capture or restraint
9 of animals on licensed commercial hunt areas for management, viewing
10 or photographic purposes.

11 E. Nothing in this section shall be construed to exempt any
12 person using a device as described in paragraph 5 of subsection A of
13 this section from the requirements and provisions of federal law,
14 federal regulations and federal tax requirements for lawful use of
15 the device.

16 F. A person shall be exempt from the prohibition in subsection
17 B of this section if the person is permanently physically disabled
18 so that the person is physically incapable of using a firearm,
19 crossbow, or conventional bow as certified in writing by a physician
20 licensed to practice medicine. A person who has received
21 certification as provided for in this paragraph shall have in their
22 possession written evidence of the certification while in the field
23 hunting.

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

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

14 2. Any person convicted of violating the provisions of
15 subsection B or C of this section shall be punished by a fine of not
16 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
17 Hundred Dollars (\$500.00) or by imprisonment in the county jail not
18 exceeding one (1) year, or by both the fine and imprisonment. In
19 addition, the court may order that the hunting or fishing license
20 and privileges of any person convicted of violating the provisions
21 of subsection B or C of this section be revoked for a period of not
22 less than one (1) year but not exceeding five (5) years. The cost
23 of reinstating a hunting or fishing license revoked pursuant to this
24 subsection for residents shall be Two Hundred Dollars (\$200.00) for

1 each license and for nonresidents shall be Five Hundred Dollars
2 (\$500.00) for each license. The reinstatement fee shall be in
3 addition to any other fees required for the hunting or fishing
4 license.

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

19 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-405, is
20 amended to read as follows:

21 Section 5-405. A. Except as otherwise provided, no person may
22 hunt, kill, capture or otherwise take or destroy any furbearer,
23 ~~except from the first day of December to the last day of February,~~
24 ~~both dates inclusive.~~

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

7 C. Nothing contained in these provisions shall prevent the
8 killing of furbearers actually found destroying livestock, poultry
9 or exotic livestock, nor the running or chasing of fox, bobcat and
10 raccoon with dogs for sport only. For purposes of this section, the
11 term "exotic livestock" means commercially raised exotic livestock
12 including animals of the families bovidae, cervidae and
13 antilocapridae or birds of the ratite group.

14 SECTION 3. REPEALER 29 O.S. 2011, Section 5-501, as
15 amended by Section 2, Chapter 132, O.S.L. 2015 (29 O.S. Supp. 2018,
16 Section 5-501), is hereby repealed.

17 SECTION 4. REPEALER 29 O.S. 2011, Section 5-502, as last
18 amended by Section 3, Chapter 132, O.S.L. 2015 (29 O.S. Supp. 2018,
19 Section 5-502), is hereby repealed.

20 SECTION 5. This act shall become effective November 1, 2019.

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22 57-1-1827 QD 3/7/2019 9:41:55 AM
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