

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 1854

 By: Fetgatter of the House

5 and

6 **Murdock** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to game and fish; amending 29 O.S.
11 2011, Section 4-101, as last amended by Section 1,
12 Chapter 341, O.S.L. 2013 (29 O.S. Supp. 2018, Section
13 4-101), which relates to licenses; authorizing
14 submission of license or permit to a Department of
15 Wildlife Conservation officer; authorizing certain
16 electronic transfers; amending Section 2, Chapter
17 200, O.S.L. 2012 (29 O.S. Supp. 2018, Section 5-
18 202.1), which relates to license revocation;
19 authorizing submission of license or permit to a
20 Department of Wildlife Conservation officer;
21 authorizing certain electronic transfers; amending 29
22 O.S. 2011, Section 7-205, as amended by Section 2,
23 Chapter 286, O.S.L. 2013 (29 O.S. Supp. 2018, Section
24 7-205), which relates to capture or mutilation of
 protected wildlife; authorizing submission of license
 or permit to a Department of Wildlife Conservation
 officer; authorizing certain electronic transfers;
 and providing an effective date.

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

1 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-101, as
2 last amended by Section 1, Chapter 341, O.S.L. 2013 (29 O.S. Supp.
3 2018, Section 4-101), is amended to read as follows:

4 Section 4-101. A. All licenses and permits issued by the
5 Director of Wildlife Conservation, the Department of Wildlife
6 Conservation or by any of its agents shall be used only in
7 conformity with the provisions of this title and the rules
8 promulgated by the Oklahoma Wildlife Conservation Commission.

9 B. All persons making application for any licenses required by
10 this section shall produce a valid license to operate a motor
11 vehicle or other positive proof of identification, age and
12 residency, and any such license issued shall show such data as well
13 as the date and time of issuance.

14 C. All licenses are nontransferable. No person shall alter,
15 change, lend or transfer any license. No person shall use or borrow
16 a license which has not been issued to that person by the Director,
17 the Department or by any of its agents pursuant to the provisions of
18 this section.

19 D. No person may engage in activities requiring a license
20 without that person's carrying such license on their person and
21 producing the same for an inspection upon the demand of any Oklahoma
22 citizen or game warden.

23 E. Any person required to produce a license must also identify
24 themselves as the person to whom such license was issued, and

1 failure or refusal to comply shall be deemed prima facie evidence of
2 a violation of this section.

3 F. Unless otherwise provided in this Code:

4 1. Hunting licenses issued pursuant to paragraph 1 of
5 subsection C and paragraphs 1 and 3 of subsection E of Section 4-112
6 of this title and paragraphs 1 and 3 of subsection B of Section 4-
7 113 of this title shall expire on December 31 of the year issued.
8 Hunting licenses issued pursuant to paragraph 2 of subsection C and
9 paragraphs 2 and 4 of subsection E of Section 4-112 of this title
10 and paragraphs 2 and 4 of subsection B of Section 4-113 of this
11 title shall expire on June 30 of the fiscal year issued. All other
12 licenses shall terminate December 31 for the year issued; and

13 2. Any person convicted of violating any of the provisions of
14 this title may have any or all licenses held by that person or the
15 privilege of applying for, purchasing or exercising the benefits
16 conferred by the licenses revoked by the Department in accordance
17 with rules promulgated by the Commission or by a court of competent
18 jurisdiction for a period of not less than one (1) year. For
19 purposes of this paragraph, a court conviction, a plea of guilty, a
20 plea of nolo contendere, the imposition of a deferred or suspended
21 sentence by a court, or forfeiture of bond shall be deemed a
22 conviction.

23 G. Should any license or permit issued pursuant to Part 1 of
24 Article IV of this title be lost or destroyed, duplicates will be

1 issued by the Department at a fee of One Dollar and fifty cents
2 (\$1.50) .

3 H. Upon harvesting any whitetail or mule deer, or any other
4 wildlife where the hunter, according to Commission rules, is
5 required to check the wildlife in at a Department check station, the
6 taker of the wildlife shall:

7 1. Securely attach the name of the taker, time of harvest, date
8 of harvest and license number to the carcass of the wildlife;

9 2. Check in the carcass of the wildlife electronically using
10 the online check station provided on the official website of the
11 Oklahoma Department of Wildlife Conservation or as prescribed by
12 rule of the Commission, within twenty-four (24) hours of leaving the
13 hunt area and in all cases prior to processing the carcass; and

14 3. Not remove evidence of the sex of the animal until after the
15 carcass of the animal has been checked in.

16 I. It shall be unlawful for any license or permit holder to
17 knowingly make a false statement or give false information to any
18 authorized hunter check station or to an authorized Department
19 employee when complying with the provisions of subsection H of this
20 section. Information which may be collected at a Department check
21 station shall include but not be limited to the name, address,
22 license or permit number and signature of the taker, the date, time,
23 county, method or weapon of the kill, sex and weight of carcass,
24 whether or not the animal was taken on public hunting land and if so

1 in what area, or any other information which may be required by the
2 Commission.

3 J. 1. Any person convicted of violating the provisions of this
4 section or of making a false statement or giving any false
5 information in order to acquire any license or permit, pursuant to
6 the provisions of this section, shall be punishable by a fine of not
7 less than One Hundred Dollars (\$100.00) nor more than Two Hundred
8 Fifty Dollars (\$250.00), or by imprisonment in the county jail for a
9 period not to exceed ten (10) days, or by both such fine and
10 imprisonment. Any person convicted of a second or subsequent
11 violation of the provisions of this section or of making a false
12 statement or giving any false information in order to acquire any
13 license or permit, pursuant to the provisions of this section, shall
14 be punishable by a fine of not less than Two Hundred Fifty Dollars
15 (\$250.00) nor more than Seven Hundred Fifty Dollars (\$750.00), or by
16 imprisonment in the county jail for a period not to exceed ten (10)
17 days, or by both such fine and imprisonment.

18 2. Any hunting or fishing license issued to a person by the
19 Department of Wildlife Conservation shall be automatically revoked
20 upon conviction of the person of violating the provisions of this
21 section. The revocation shall be for a period set by the court of
22 not less than one (1) year nor more than ten (10) years. If the
23 court does not set a period, the revocation shall be for one (1)
24 year from the date of the conviction. During this period of

1 revocation, the Department shall not issue the person a hunting or
2 fishing license. If the court does not set a revocation period, the
3 Department shall not issue that person a license within one (1) year
4 of the conviction of the person pursuant to this section. A person
5 who has a license or permit revoked pursuant to this section shall
6 surrender the revoked license or permit to the court, or the court
7 may order the defendant to surrender the license or permit directly
8 to an officer from the Department of Wildlife Conservation present
9 at the hearing. ~~The~~ If the license or permit is surrendered to the
10 court, the court shall send the Department of Wildlife Conservation
11 the revoked license and. The court shall also send the Department a
12 copy of the judgment of conviction. For purposes of this section,
13 "conviction" shall include a plea of guilty or nolo contendere to an
14 offense or the imposition of deferred adjudication for an offense.
15 In lieu of sending a paper copy of the documents and information
16 required by this subsection, the court clerk may transmit the
17 document and information by using an electronic method authorized by
18 the Department of Wildlife Conservation.

19 K. Any person who has had their license privileges revoked
20 shall not be entitled to purchase, apply for, or exercise the
21 benefits conferred by any license until the revocation period has
22 expired or the person has obtained approval from the Director. Any
23 person violating the provisions of this subsection, upon conviction,
24 shall be punished by a fine of not more than Five Hundred Dollars

1 (\$500.00), or by imprisonment in a county jail for a term of not
2 more than ninety (90) days or by both the fine and imprisonment.
3 Upon conviction under this subsection, the previously granted
4 license revocation period shall be extended by two (2) additional
5 years.

6 SECTION 2. AMENDATORY Section 2, Chapter 200, O.S.L.
7 2012 (29 O.S. Supp. 2018, Section 5-202.1), is amended to read as
8 follows:

9 Section 5-202.1 A. Any hunting or fishing license issued to a
10 person by the Department of Wildlife Conservation shall be
11 automatically revoked on final conviction of the person of an
12 offense under subsection J of Section 5-202 of ~~Title 29 of the~~
13 ~~Oklahoma Statutes~~ of this title. The revocation shall be for a
14 period set by the court of not less than one (1) year or more than
15 ten (10) years. If the court does not set a period, the revocation
16 shall be for one (1) year from the date the conviction becomes
17 final. During this period of revocation, the Department shall not
18 issue that person a hunting or fishing license. If the court does
19 not set a period, the Department shall not issue that person a
20 license before the first anniversary of the date the conviction
21 becomes final.

22 B. A person who has a license or permit revoked under this
23 section shall surrender the revoked license or permit to the court,
24 or the court may order the defendant to surrender the license or

1 permit directly to an officer from the Department of Wildlife
2 Conservation present at the hearing. ~~The~~ If the license or permit
3 is surrendered to the court, the court shall send the Department of
4 Wildlife Conservation the revoked license ~~and~~. The court shall also
5 send the Department a copy of the judgment of conviction. In lieu
6 of sending a paper copy of the documents and information required by
7 this subsection, the court clerk may transmit the document and
8 information by using an electronic method authorized by the
9 Department of Wildlife Conservation.

10 C. For purposes of this section, "final conviction" shall
11 include a plea of guilty or nolo contendere to or the imposition of
12 deferred adjudication for an offense.

13 SECTION 3. AMENDATORY 29 O.S. 2011, Section 7-205, as
14 amended by Section 2, Chapter 286, O.S.L. 2013 (29 O.S. Supp. 2018,
15 Section 7-205), is amended to read as follows:

16 Section 7-205. A. Excluding furbearers and coyotes, no person
17 may capture, kill, mutilate or destroy any wildlife protected by law
18 and remove the head, claws, teeth, hide, antlers, horns or any or
19 all of such parts from the body with the intent to abandon the body.

20 B. Excluding furbearers and coyotes, no person may capture or
21 mutilate any living wildlife protected by law by removing the claws,
22 teeth, hide, antlers, horns or any or all of such parts from the
23 body.

1 C. No person may kill any wildlife protected by law and abandon
2 the body without disposing of the body in the most appropriate
3 manner.

4 D. Any person convicted of violating the provisions of this
5 section shall be punished by a fine of not less than Five Hundred
6 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or
7 by imprisonment in the county jail for not more than one (1) year,
8 or by both fine and imprisonment.

9 E. Any hunting or fishing license issued to a person by the
10 Department of Wildlife Conservation shall be automatically revoked
11 upon conviction of the person of violating the provisions of this
12 section. The revocation shall be for a period set by the court of
13 not less than one (1) year nor more than ten (10) years. If the
14 court does not set a period, the revocation shall be for one (1)
15 year from the date of the conviction. During this period of
16 revocation, the Department shall not issue the person a hunting or
17 fishing license. If the court does not set a revocation period, the
18 Department shall not issue that person a license within one (1) year
19 of the conviction of the person pursuant to this section. A person
20 who has a license or permit revoked pursuant to this section shall
21 surrender the revoked license or permit to the court, or the court
22 may order the defendant to surrender the license or permit directly
23 to an officer from the Department of Wildlife Conservation present
24 at the hearing. ~~The~~ If the license or permit is surrendered to the

1 court, the court shall send the Department of Wildlife Conservation
2 the revoked license and. The court shall also send the Department a
3 copy of the judgment of conviction. For purposes of this section,
4 "conviction" shall include a plea of guilty or nolo contendere to an
5 offense or the imposition of deferred adjudication for an offense.
6 In lieu of sending a paper copy of the documents and information
7 required by this subsection, the court clerk may transmit the
8 document and information by using an electronic method authorized by
9 the Department of Wildlife Conservation.

10 SECTION 4. This act shall become effective November 1, 2019.

11
12 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 02/28/2019 - DO
13 PASS, As Coauthored.
14
15
16
17
18
19
20
21
22
23
24