

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3496

By: Talley

7
8 COMMITTEE SUBSTITUTE

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

24 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.
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

1 Commission, no person may utilize at any time, for the purpose of
2 killing or capturing any game mammal, game bird, nongame bird or
3 exotic wildlife, the following means:

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

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

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

9 4. Any device which generates electricity; or

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

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

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

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

22 1. The Director, departmental employees and authorized agents
23 when capturing wildlife for propagation or management purposes;
24

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

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

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

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

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

22 F. A person shall be exempt from the prohibition in subsection
23 B of this section if the person is permanently physically disabled
24 so that the person is physically incapable of using a firearm,

1 crossbow, or conventional bow as certified in writing by a physician
2 licensed to practice medicine. A person who has received
3 certification as provided for in this paragraph shall have in their
4 possession written evidence of the certification while in the field
5 hunting.

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

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

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

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

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

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

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

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

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

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

1 SECTION 3. AMENDATORY 29 O.S. 2011, Section 5-409, is
2 amended to read as follows:

3 Section 5-409. A. Except as otherwise provided by law, no
4 person ~~may~~ shall ~~capture or kill squirrels except between May 15 to~~
5 ~~January 31, both dates inclusive, nor shall such person~~ bag or
6 possess more than two (2) day's limit of squirrels after the second
7 day's hunt. ~~Bag~~ Season dates and bag limits shall be set by the
8 Wildlife Conservation Commission.

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

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

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

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18 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 02/17/2020 - DO
19 PASS, As Amended.
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