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February 18, 2019

AS AMENDED

SENATE BILL NO. 927

By: Murdock and Dahm

[feral swine - Control Act - remove feral swine at night - permits - headlighting - use of certain lights and motor-driven conveyance - repealer - effective date]

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 6-604, is amended to read as follows:

Section 6-604. A. Except as otherwise specified in the Feral Swine Control Act, any person with permission of the owner may remove feral swine from private or public property during daylight hours or at night. Any person who removes or attempts to remove feral swine pursuant to this section shall not be required to obtain a license to hunt wildlife issued by the Department of Wildlife Conservation or a permit to control wildlife issued pursuant to Section 4-135 of Title 29 of the Oklahoma Statutes.

~~B. Any person who intends to kill or attempt to kill feral swine at night shall obtain a permit issued by the Department of Wildlife Conservation pursuant to Section 4-135 of Title 29 of the Oklahoma Statutes and promulgated rules removes or attempts to~~

1 remove feral swine pursuant to this section may use a motor-driven
2 land conveyance, a vehicle-mounted spotlight or other powerful light
3 also known as a headlight and may use night vision equipment that
4 uses either image enhancement technology or thermal imaging
5 technology in order to pursue or follow feral swine.

6 SECTION 2. AMENDATORY 29 O.S. 2011, Section 4-135, is
7 amended to read as follows:

8 Section 4-135. A. The Department of Wildlife Conservation is
9 authorized to issue permits to landowners, lessees, or their
10 designated agents and to any entity of state, county, or local
11 government to control nuisance or damage by any species of wildlife
12 including, but not limited to beaver, coyote, deer, bobcat, raccoon,
13 and crow under rules promulgated by the Oklahoma Wildlife
14 Conservation Commission. The permits may be issued without
15 limitation by statewide season regulations, bag limits or methods of
16 taking. A permitted landowner, lessee or a designated agent of the
17 landowner or lessee may, with a valid permit issued pursuant to this
18 section, control the wildlife specified in this subsection ~~and feral~~
19 ~~swine~~ at night to protect marketable agricultural crops, livestock,
20 or processed feed, seed or other materials used in the production of
21 an agricultural commodity.

22 B. Except as otherwise specified in this ~~subsection~~ section,
23 the permit to hunt at night shall be valid for a period of up to one
24 (1) year from the date the permit was issued. Each landowner,

1 lessee, or designated agent with a valid permit shall be required to
2 have a current agricultural exemption permit issued by the Oklahoma
3 Tax Commission.

4 C. Notwithstanding the provisions of Section 5-203.1 of this
5 title, a landowner, lessee, or designated agent of the landowner or
6 lessee with a valid permit may use a headlight carried on the person
7 while hunting at night. Nothing in this section shall authorize the
8 use of a headlight mounted on a vehicle or the use of a headlight
9 from a public roadway.

10 D. Any person who has been convicted of, or pled guilty to, a
11 violation of Section 5-203.1 or Section 5-411 of this title within
12 the previous three (3) years shall not be eligible to receive a
13 permit pursuant to this section. The permit ~~can~~ may be issued by
14 the local game warden in the county for which the permit is to be
15 used or by the Law Enforcement Division of the Department of
16 Wildlife Conservation.

17 E. Notwithstanding the provisions of Section 1289.13 of Title
18 21 of the Oklahoma Statutes, it shall be lawful for any private
19 landowner or designated employee of the landowner or lessee to have
20 a chamber-loaded firearm on property owned by the landowner, and to
21 use the firearm for the purpose of controlling nuisance or damage by
22 any wildlife or feral swine. Nothing in this section shall
23 authorize any convicted felon to carry a firearm.

1 SECTION 3. AMENDATORY 29 O.S. 2011, Section 5-203.1, is
2 amended to read as follows:

3 Section 5-203.1. A. No person may attempt to take, take,
4 attempt to catch, catch, attempt to capture, capture, attempt to
5 kill, or kill any deer, feral animal or other wildlife except fish
6 and, frogs and feral swine as provided for in Section 6-604 of Title
7 2 of the Oklahoma Statutes, by the use of a ~~vehicle-mounted~~ vehicle-
8 mounted spotlight or other powerful light at night, by what is
9 commonly known as "headlighting". Provided, however, nothing in
10 this section shall prevent one from possessing a .22 caliber rimfire
11 rifle or .22 pistol and a light carried while in pursuit of
12 furbearers with hounds during the legal, open furbearers season,
13 while possessing a valid hunting license.

14 B. Any person may use a shotgun, using No. 6 size shot or
15 smaller, longbow, light and a call for the purpose of hunting
16 predatory animals, provided that written permission is obtained from
17 the local game warden for each twenty-four-hour period of hunting.

18 C. It shall be illegal to hunt from a boat with a firearm from
19 sunset until one-half (1/2) hour before sunrise. This shall not
20 pertain to hunting of waterfowl enroute from bank to blind with
21 unloaded shotguns.

22 D. Except as otherwise provided for in this section and when
23 removing feral swine as provided for in Section 6-604 of Title 2 of
24 the Oklahoma Statutes, no person may harass, attempt to capture,

1 capture, attempt to take or take, kill or attempt to kill any
2 wildlife with the aid of any motor-driven land, air or water
3 conveyance. A nonambulatory person may hunt from ~~said~~ the
4 conveyances with written permission of the Director of Wildlife
5 Conservation. A person may hunt from an air conveyance if issued a
6 permit pursuant to Section ~~4~~ 4-107.2 of this ~~act~~ title. Nothing in
7 this section shall prevent the use of motor-driven land or water
8 conveyances for following dogs in the act of hunting, when use is
9 restricted to public roads or waterways. Motor-driven land or water
10 conveyances may be used on private property for following dogs in
11 the act of hunting with the permission of the landowner or occupant.

12 E. Employees of the Oklahoma Department of Agriculture, Food,
13 and Forestry Wildlife Services Division and the United States
14 Department of Agriculture Wildlife Services while engaged in
15 wildlife management activities for the protection of agriculture,
16 property, human health and safety and natural resources shall be
17 exempt from the provisions of this section.

18 F. Any person convicted of violating the provisions of this
19 section shall be guilty of a misdemeanor and shall be punished by a
20 fine of not less than Two Hundred Fifty Dollars (\$250.00) for a
21 first offense and not less than Five Hundred Dollars (\$500.00) for a
22 second offense or by imprisonment in the county jail for not less
23 than ten (10) days nor more than one (1) year, or by confiscation
24

1 pursuant to Section 5-402 of this title or by such fine,
2 imprisonment and confiscation.

3 SECTION 4. REPEALER 2 O.S. 2011, Section 6-605, is
4 hereby repealed.

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

6 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
7 February 18, 2019 - DO PASS AS AMENDED
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