

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 1854

By: Fetgatter

AS INTRODUCED

An Act relating to game and fish; amending 29 O.S. 2011, Section 4-101, as last amended by Section 1, Chapter 341, O.S.L. 2013 (29 O.S. Supp. 2018, Section 4-101), which relates to licenses; authorizing submission of license or permit to a Department of Wildlife Conservation officer; authorizing certain electronic transfers; amending Section 2, Chapter 200, O.S.L. 2012 (29 O.S. Supp. 2018, Section 5-202.1), which relates to license revocation; authorizing submission of license or permit to a Department of Wildlife Conservation officer; authorizing certain electronic transfers; amending 29 O.S. 2011, Section 7-205, as amended by Section 2, Chapter 286, O.S.L. 2013 (29 O.S. Supp. 2018, Section 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:

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

Section 4-101. A. All licenses and permits issued by the Director of Wildlife Conservation, the Department of Wildlife

1 Conservation or by any of its agents shall be used only in
2 conformity with the provisions of this title and the rules
3 promulgated by the Oklahoma Wildlife Conservation Commission.

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

9 C. All licenses are nontransferable. No person shall alter,
10 change, lend or transfer any license. No person shall use or borrow
11 a license which has not been issued to that person by the Director,
12 the Department or by any of its agents pursuant to the provisions of
13 this section.

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

18 E. Any person required to produce a license must also identify
19 themselves as the person to whom such license was issued, and
20 failure or refusal to comply shall be deemed prima facie evidence of
21 a violation of this section.

22 F. Unless otherwise provided in this Code:

23 1. Hunting licenses issued pursuant to paragraph 1 of
24 subsection C and paragraphs 1 and 3 of subsection E of Section 4-112

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

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

18 G. Should any license or permit issued pursuant to Part 1 of
19 Article IV of this title be lost or destroyed, duplicates will be
20 issued by the Department at a fee of One Dollar and fifty cents
21 (\$1.50).

22 H. Upon harvesting any whitetail or mule deer, or any other
23 wildlife where the hunter, according to Commission rules, is
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1 required to check the wildlife in at a Department check station, the
2 taker of the wildlife shall:

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

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

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

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

23 J. 1. Any person convicted of violating the provisions of this
24 section or of making a false statement or giving any false

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

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

1 who has a license or permit revoked pursuant to this section shall
2 surrender the revoked license or permit to the court, or the court
3 may order the defendant to surrender the license or permit directly
4 to an officer from the Department of Wildlife Conservation present
5 at the hearing. ~~The~~ If the license or permit is surrendered to the
6 court, the court shall send the Department of Wildlife Conservation
7 the revoked license and. The court shall also send the Department a
8 copy of the judgment of conviction. For purposes of this section,
9 "conviction" shall include a plea of guilty or nolo contendere to an
10 offense or the imposition of deferred adjudication for an offense.
11 In lieu of sending a paper copy of the documents and information
12 required by this subsection, the court clerk may transmit the
13 document and information by using an electronic method authorized by
14 the Department of Wildlife Conservation.

15 K. Any person who has had their license privileges revoked
16 shall not be entitled to purchase, apply for, or exercise the
17 benefits conferred by any license until the revocation period has
18 expired or the person has obtained approval from the Director. Any
19 person violating the provisions of this subsection, upon conviction,
20 shall be punished by a fine of not more than Five Hundred Dollars
21 (\$500.00), or by imprisonment in a county jail for a term of not
22 more than ninety (90) days or by both the fine and imprisonment.
23 Upon conviction under this subsection, the previously granted
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1 license revocation period shall be extended by two (2) additional
2 years.

3 SECTION 2. AMENDATORY Section 2, Chapter 200, O.S.L.
4 2012 (29 O.S. Supp. 2018, Section 5-202.1), is amended to read as
5 follows:

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

19 B. A person who has a license or permit revoked under this
20 section shall surrender the revoked license or permit to the court,
21 or the court may order the defendant to surrender the license or
22 permit directly to an officer from the Department of Wildlife
23 Conservation present at the hearing. ~~The~~ If the license or permit
24 is surrendered to the court, the court shall send the Department of

1 Wildlife Conservation the revoked license ~~and~~. The court shall also
2 send the Department a copy of the judgment of conviction. In lieu
3 of sending a paper copy of the documents and information required by
4 this subsection, the court clerk may transmit the document and
5 information by using an electronic method authorized by the
6 Department of Wildlife Conservation.

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

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

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

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

21 C. No person may kill any wildlife protected by law and abandon
22 the body without disposing of the body in the most appropriate
23 manner.

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

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

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

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

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9 57-1-6903 AMM 12/28/18
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