

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3496

By: Talley

AS INTRODUCED

An Act relating to game and fish; amending 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), which relates to means of taking wildlife; making certain means of taking wildlife subject to Wildlife Conservation Commission rules; authorizing furbearer hunting pursuant to Commission rules; authorizing the Commission to set squirrel season dates; amending 29 O.S. 2011, Sections 5-405 and 5-409, which relate to wild game; modifying requirements for taking furbearers; modifying requirements for taking squirrels; repealing 29 O.S. 2011, Sections 5-501, as amended by Section 2, Chapter 132, O.S.L. 2015 and 5-502, as last amended by Section 3, Chapter 132, O.S.L. 2015 (29 O.S. Supp. 2019, Sections 5-501 and 5-502), which relate to trapping; and providing an 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. 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 Commission, no person may utilize at any time, for the purpose of

1 killing or capturing any game mammal, game bird, nongame bird or  
2 exotic wildlife, the following means:

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

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

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

8 4. Any device which generates electricity; or

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

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

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

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

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

23 2. Any person, group or governmental agency the Director may by  
24 written permit authorize, where any species of nongame birds are

1 causing a nuisance or undue economic loss, as may be determined by  
2 the Director. Such permit shall state the method of control and  
3 specific procedures and conditions as may be deemed appropriate by  
4 the Director;

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

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

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

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

20 F. A person shall be exempt from the prohibition in subsection  
21 B of this section if the person is permanently physically disabled  
22 so that the person is physically incapable of using a firearm,  
23 crossbow, or conventional bow as certified in writing by a physician  
24 licensed to practice medicine. A person who has received

1 certification as provided for in this paragraph shall have in their  
2 possession written evidence of the certification while in the field  
3 hunting.

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

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

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

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

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

22 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-405, is  
23 amended to read as follows:  
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1       Section 5-405. A. ~~Except as otherwise provided, no person may~~  
2 ~~hunt, kill, capture or otherwise take or destroy any furbearer,~~  
3 ~~except from the first day of December to the last day of February,~~  
4 ~~both dates inclusive.~~

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

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

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

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

23       Section 5-409. A. ~~Except as otherwise provided by law, no~~  
24 ~~person may capture or kill squirrels except between May 15 to~~

1 ~~January 31, both dates inclusive, nor shall such person bag or~~  
2 ~~possess more than two (2) day's limit after the second day's hunt.~~  
3 ~~Bag~~ Season dates and bag limits shall be set by the Wildlife  
4 Conservation Commission.

5 B. No person ~~may~~ shall cut down or remove a tree being used as  
6 a den or nest by squirrels unless specific permission for such  
7 cutting or removal has been given by the owner or lessee of the  
8 land.

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

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