

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 854

By: Murdock

AS INTRODUCED

An Act relating to the Oklahoma Wildlife Conservation Code; amending 29 O.S. 2011, Section 5-201, as last amended by Section 2, Chapter 165, O.S.L. 2016 (29 O.S. Supp. 2018, Section 5-201), which relates to means of taking wildlife; modifying gauge limit of gun for hunting; 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. 2018, Section 5-201), is amended to read as follows:

Section 5-201. A. Except as otherwise provided for in this section, no person may utilize at any time, for the purpose of killing or capturing any game mammal, game bird, nongame bird or exotic wildlife, the following means:

1. Any trap, net, snare, cage, pitfall, baited hook or similar device;
2. Any drug, poison, narcotic, explosive or similar substance;
3. Any swivel or punt gun of greater calibre than ~~ten (10)~~ eight (8) gauge;

1 4. Any device which generates electricity; or

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

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

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

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

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

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

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

1 4. Employees of the Oklahoma Department of Agriculture, Food,
2 and Forestry Wildlife Services Division and the United States
3 Department of Agriculture Wildlife Services while engaged in
4 wildlife management activities for the protection of agriculture,
5 property, human health and safety and natural resources; or

6 5. Any person using nonlethal, nonchemical capture or restraint
7 of animals on licensed commercial hunt areas for management, viewing
8 or photographic purposes.

9 E. Nothing in this section shall be construed to exempt any
10 person using a device as described in paragraph 5 of subsection A of
11 this section from the requirements and provisions of federal law,
12 federal regulations and federal tax requirements for lawful use of
13 the device.

14 F. A person shall be exempt from the prohibition in subsection
15 B of this section if the person is permanently physically disabled
16 so that the person is physically incapable of using a firearm,
17 crossbow, or conventional bow as certified in writing by a physician
18 licensed to practice medicine. A person who has received
19 certification as provided for in this paragraph shall have in their
20 possession written evidence of the certification while in the field
21 hunting.

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

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

11 2. Any person convicted of violating the provisions of
12 subsection B or C of this section shall be punished by a fine of not
13 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
14 Hundred Dollars (\$500.00) or by imprisonment in the county jail not
15 exceeding one (1) year, or by both the fine and imprisonment. In
16 addition, the court may order that the hunting or fishing license
17 and privileges of any person convicted of violating the provisions
18 of subsection B or C of this section be revoked for a period of not
19 less than one (1) year but not exceeding five (5) years. The cost
20 of reinstating a hunting or fishing license revoked pursuant to this
21 subsection for residents shall be Two Hundred Dollars (\$200.00) for
22 each license and for nonresidents shall be Five Hundred Dollars
23 (\$500.00) for each license. The reinstatement fee shall be in
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1 addition to any other fees required for the hunting or fishing
2 license.

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

17 SECTION 2. This act shall become effective November 1, 2019.
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