

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 927

By: Dahm

6 AS INTRODUCED

7 An Act relating to feral swine; amending 2 O.S. 2011,
8 Section 6-604, which relates to the Feral Swine
9 Control Act; expanding authorization to remove feral
10 swine at night; providing no license or permit shall
11 be required to remove feral swine under certain
12 circumstances; eliminating permit requirement to
13 remove feral swine at night; authorizing the use of
14 motor-driven land conveyance headlights and night
15 vision equipment when removing feral swine; amending
16 29 O.S. 2011, Section 4-135, which relates to permits
17 to control nuisance animals; removing reference to
18 permit to kill feral swine; updating statutory
19 language; amending 29 O.S. 2011, Section 5-203.1,
20 which relates to headlighting; permitting the use of
21 certain lights and motor-driven conveyance to remove
22 feral swine; repealing 2 O.S. 2011, Section 6-605,
23 which relates to special permit to kill feral swine;
24 and providing an effective date.

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

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

21 Section 6-604. A. Except as otherwise specified in the Feral
22 Swine Control Act, any person with permission of the owner may
23 remove feral swine from private or public property during daylight
24 hours or at night. Any person who removes or attempts to remove

1 feral swine pursuant to this section shall not be required to obtain
2 a license to hunt wildlife issued by the Department of Wildlife
3 Conservation or a permit to control wildlife issued pursuant to
4 Section 4-135 of Title 29 of the Oklahoma Statutes.

5 B. Any person who ~~intends to kill or attempt to kill feral~~
6 ~~swine at night shall obtain a permit issued by the Department of~~
7 ~~Wildlife Conservation pursuant to Section 4-135 of Title 29 of the~~
8 ~~Oklahoma Statutes and promulgated rules~~ removes or attempts to
9 remove feral swine pursuant to this section may use a motor-driven
10 land conveyance, a vehicle-mounted spotlight or other powerful light
11 also known as a headlight and may use night vision equipment that
12 uses either image enhancement technology or thermal imaging
13 technology in order to pursue or follow feral swine.

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

16 Section 4-135. A. The Department of Wildlife Conservation is
17 authorized to issue permits to landowners, lessees, or their
18 designated agents and to any entity of state, county, or local
19 government to control nuisance or damage by any species of wildlife
20 including, but not limited to beaver, coyote, deer, bobcat, raccoon,
21 and crow under rules promulgated by the Oklahoma Wildlife
22 Conservation Commission. The permits may be issued without
23 limitation by statewide season regulations, bag limits or methods of
24 taking. A permitted landowner, lessee or a designated agent of the

1 landowner or lessee may, with a valid permit issued pursuant to this
2 section, control the wildlife specified in this subsection and ~~feral~~
3 ~~swine~~ at night to protect marketable agricultural crops, livestock,
4 or processed feed, seed or other materials used in the production of
5 an agricultural commodity.

6 B. Except as otherwise specified in this ~~subsection~~ section,
7 the permit to hunt at night shall be valid for a period of up to one
8 (1) year from the date the permit was issued. Each landowner,
9 lessee, or designated agent with a valid permit shall be required to
10 have a current agricultural exemption permit issued by the Oklahoma
11 Tax Commission.

12 C. Notwithstanding the provisions of Section 5-203.1 of this
13 title, a landowner, lessee, or designated agent of the landowner or
14 lessee with a valid permit may use a headlight carried on the person
15 while hunting at night. Nothing in this section shall authorize the
16 use of a headlight mounted on a vehicle or the use of a headlight
17 from a public roadway.

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

1 E. Notwithstanding the provisions of Section 1289.13 of Title
2 21 of the Oklahoma Statutes, it shall be lawful for any private
3 landowner or designated employee of the landowner or lessee to have
4 a chamber-loaded firearm on property owned by the landowner, and to
5 use the firearm for the purpose of controlling nuisance or damage by
6 any wildlife or feral swine. Nothing in this section shall
7 authorize any convicted felon to carry a firearm.

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

10 Section 5-203.1. A. No person may attempt to take, take,
11 attempt to catch, catch, attempt to capture, capture, attempt to
12 kill, or kill any deer, feral animal or other wildlife except fish
13 and, frogs and feral swine as provided for in Section 6-604 of Title
14 2 of the Oklahoma Statutes, by the use of a ~~vehicle-mounted~~ vehicle-
15 mounted spotlight or other powerful light at night, by what is
16 commonly known as "headlighting". Provided, however, nothing in
17 this section shall prevent one from possessing a .22 caliber rimfire
18 rifle or .22 pistol and a light carried while in pursuit of
19 furbearers with hounds during the legal, open furbearers season,
20 while possessing a valid hunting license.

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

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

5 D. Except as otherwise provided for in this section and when
6 removing feral swine as provided for in Section 6-604 of Title 2 of
7 the Oklahoma Statutes, no person may harass, attempt to capture,
8 capture, attempt to take or take, kill or attempt to kill any
9 wildlife with the aid of any motor-driven land, air or water
10 conveyance. A nonambulatory person may hunt from ~~said~~ the
11 conveyances with written permission of the Director of Wildlife
12 Conservation. A person may hunt from an air conveyance if issued a
13 permit pursuant to Section ~~4~~ 4-107.2 of this ~~act~~ title. Nothing in
14 this section shall prevent the use of motor-driven land or water
15 conveyances for following dogs in the act of hunting, when use is
16 restricted to public roads or waterways. Motor-driven land or water
17 conveyances may be used on private property for following dogs in
18 the act of hunting with the permission of the landowner or occupant.

19 E. Employees of the Oklahoma Department of Agriculture, Food,
20 and Forestry Wildlife Services Division and the United States
21 Department of Agriculture Wildlife Services while engaged in
22 wildlife management activities for the protection of agriculture,
23 property, human health and safety and natural resources shall be
24 exempt from the provisions of this section.

1 F. Any person convicted of violating the provisions of this
2 section shall be guilty of a misdemeanor and shall be punished by a
3 fine of not less than Two Hundred Fifty Dollars (\$250.00) for a
4 first offense and not less than Five Hundred Dollars (\$500.00) for a
5 second offense or by imprisonment in the county jail for not less
6 than ten (10) days nor more than one (1) year, or by confiscation
7 pursuant to Section 5-402 of this title or by such fine,
8 imprisonment and confiscation.

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

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

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