

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 4281

By: Dempsey and Sneed of the
House

4 and

5 Murdock of the Senate

6

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8 An Act relating to game and fish; amending 29 O.S.
2021, Section 5-203.1, which relates to spotlighting;
9 allowing the spotlighting of coyotes; allowing the
use of night vision equipment to hunt coyotes; and
10 providing an effective date.

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13 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

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"An Act relating to fish and wildlife; amending 29
15 O.S. 2021, Section 5-301, which relates to limitation
on predator control devices; removing certain
16 limitation for use of cyanide devices; updating
statutory language; and providing an effective date.

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

20 SECTION 1. AMENDATORY 29 O.S. 2021, Section 5-301, is
21 amended to read as follows:

22 Section 5-301. A. No person may set or use at any time any
23 poison, cyanide coyote getter, or other similar device, using
24 cyanide gas or other poisonous gas as the lethal agent, for the

1 purpose of killing predators, except in accordance with the
2 following conditions and procedures:

3 1. Signs of a size and character and with wording to be
4 determined by the Oklahoma Department of Agriculture, Food, and
5 Forestry indicating the presence of cyanide coyote getters or other
6 similar device using cyanide gas or other poisonous gas as the
7 lethal agent, shall be posted on all properties where ~~said~~ the
8 coyote getters are set to the right and left of all entrances from
9 public roads and highways and from adjacent lands ~~and at corners of~~
10 ~~perimeter fences~~.

11 2. Such devices shall not be set from April 1 to September 30
12 of each calendar year; provided, that, any devices set or used
13 within a commercial hunting area by a person holding a big game or
14 big game and upland game combination license pursuant to Section 4-
15 106 of this title or a licensed farmed cervidae facility by a person
16 holding a farmed cervidae facility license pursuant to the Oklahoma
17 Farmed Cervidae Act may be set or used at any time of the year.

18 3. All signs as required by this article shall be in place
19 twenty-four (24) hours before ~~said~~ the devices are set and shall be
20 properly maintained in place during the permission period herein
21 provided.

22 4. A game warden may issue a permit for the setting of such
23 devices and such permit must be obtained prior to the setting of
24 such devices. Each permit shall be made in triplicate, the original

1 to be retained by the landowner concerned, one copy retained by the
2 game warden and the other copy mailed immediately to the Department
3 for its permanent record.

4 5. In applying for a permit, the landowner shall state the
5 number of devices to be set and the approximate location to the
6 nearest forty (40) acres.

7 6. Written permission permits required by this section shall
8 cover a period not exceeding six (6) months; provided, however, that
9 ~~said~~ the permits shall be subject to renewal for a like period of
10 time.

11 7. All signs required by this section shall be removed at the
12 end of the permission period, unless ~~said~~ the permit is renewed
13 prior to the expiration date thereof.

14 8. No predator control devices shall be on any property without
15 the written permission of the record owner or lessee thereof.

16 B. Predatory control conducted by the Oklahoma Department of
17 Agriculture, Food, and Forestry or the Department of Wildlife
18 Conservation shall be exempt from the provisions of paragraphs 4, 5
19 and 6 of subsection A of this section.

20 C. The Director of the Department of Wildlife Conservation may
21 issue depredation permits to landowners for control of any nuisance
22 wildlife.

23 D. Any person convicted of violating the provisions of this
24 section shall be punished by a fine ~~of~~ not less than Fifty Dollars

1 (\$50.00), or by imprisonment in the county jail for not more than
2 thirty (30) days, or by both such fine and imprisonment.

3 SECTION 2. This act shall become effective November 1, 2022."

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5 Passed the Senate the 27th day of April, 2022.

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7 _____
8 Presiding Officer of the Senate

9 Passed the House of Representatives the ____ day of _____,
10 2022.

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12 _____
13 Presiding Officer of the House
14 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 4281

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8 An Act relating to game and fish; amending 29 O.S.
9 2021, Section 5-203.1, which relates to spotlighting;
10 allowing the spotlighting of coyotes; allowing the
11 use of night vision equipment to hunt coyotes; and
12 providing an effective date.

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

14 SECTION 3. AMENDATORY 29 O.S. 2021, Section 5-203.1, is
15 amended to read as follows:

16 Section 5-203.1 A. No person may attempt to take, take,
17 attempt to catch, catch, attempt to capture, capture, attempt to
18 kill, or kill any deer, feral animal or other wildlife except fish
19 ~~and,~~ frogs and coyotes by the use of a vehicle mounted spotlight or
20 other powerful light at night, by what is commonly known as
21 "headlighting". Provided, however, nothing in this section shall
22 prevent one from possessing a .22 caliber rimfire rifle or .22
23 pistol and a light carried while in pursuit of furbearers with
24 hounds during the legal, open furbearers season, while possessing a

1 valid hunting license. Furthermore, any person may use enhanced
2 night vision equipment to attempt to take, take, attempt to catch,
3 catch, attempt to capture, capture, attempt to kill, or kill any
4 coyote using a properly equipped rifle or pistol.

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

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

13 D. Except as otherwise provided for in this section, no person
14 may harass, attempt to capture, capture, attempt to take or take,
15 kill or attempt to kill any wildlife with the aid of any motor-
16 driven land, air or water conveyance. A nonambulatory person may
17 hunt from said conveyances with written permission of the Director
18 of Wildlife Conservation. A person may hunt from an air conveyance
19 if issued a permit pursuant to Section 1 of this act. Nothing in
20 this section shall prevent the use of motor-driven land or water
21 conveyances for following dogs in the act of hunting, when use is
22 restricted to public roads or waterways. Motor-driven land or water
23 conveyances may be used on private property for following dogs in
24 the act of hunting with the permission of the landowner or occupant.

1 E. 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 shall be
6 exempt from the provisions of this section.

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

15 SECTION 4. This act shall become effective November 1, 2022.
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1 Passed the House of Representatives the 15th day of March, 2022.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2022.

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7 _____
8 Presiding Officer of the Senate