

1 ENGROSSED SENATE
2 BILL NO. 1809

By: Garvin and Stephens of the
Senate

3 and

4 Boles of the House

5
6 An Act relating to hunting; amending 29 O.S. 2021,
7 Section 4-135, which relates to permits to control
8 nuisance wildlife; modifying language; requiring
9 certain written permission; amending 29 O.S. 2021,
10 Section 5-203.1, which relates to headlighting;
11 providing certain exception; updating statutory
12 references; removing certain allowance for hunting
13 predatory animals; increasing penalties; requiring
14 confiscation upon conviction; directing a district
15 court to suspend, revoke, or deny a license upon
16 request and conviction; stating minimum and maximum
17 period of suspension, revocation, or denial;
18 providing for reinstatement; setting fees; making
19 reinstatement fees in addition to other license fees;
20 authorizing certain persons to control nuisance
21 coyotes or feral swine without a permit; requiring
22 agricultural exemption permit issued by the Oklahoma
23 Tax Commission for nuisance control; providing
24 exception for headlighting; providing certain
limitation; prohibiting nuisance control at night for
persons convicted within certain period of time;
providing for codification; and providing an
effective date.

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

SECTION 1. AMENDATORY 29 O.S. 2021, Section 4-135, is
amended to read as follows:

Section 4-135. A. The Department of Wildlife Conservation is
authorized to issue permits to landowners, agricultural lessees, or

1 their designated agents with written permission of the landowner or
2 agricultural lessee and to any entity of state, county, or local
3 government to control nuisance or damage by any species of wildlife
4 including, but not limited to, beaver, coyote, deer, bobcat,
5 raccoon⁷ and crow under rules promulgated by the Oklahoma Wildlife
6 Conservation Commission. The permits may be issued without
7 limitation by statewide season regulations, bag limits or methods of
8 taking. A permitted landowner, agricultural lessee or a designated
9 agent with written permission of the landowner or agricultural
10 lessee may, with a valid permit issued pursuant to this section,
11 control the wildlife specified in this subsection and feral swine at
12 night to protect marketable agricultural crops, livestock⁷ or
13 processed feed, seed or other materials used in the production of an
14 agricultural commodity.

15 B. Except as otherwise specified in this subsection, the permit
16 to hunt at night shall be valid for a period of up to one (1) year
17 from the date the permit was issued. ~~Each landowner, lessee, or~~
18 ~~designated agent~~ Landowners or agricultural lessees with a valid
19 permit shall be required to have a current agricultural exemption
20 permit issued by the Oklahoma Tax Commission.

21 C. Notwithstanding the provisions of Section 5-203.1 of this
22 title, a landowner, agricultural lessee⁷ or designated agent with
23 written permission of the landowner ~~or lessee~~ and with a valid
24 permit may use a headlight carried on the person while hunting at

1 night. Nothing in this section shall authorize the use of a
2 headlight mounted on a vehicle or the use of a headlight from a
3 public roadway.

4 D. Any person who has been convicted of, or pled guilty to, a
5 violation of Section 5-203.1 or Section 5-411 of this title within
6 the previous three (3) years shall not be eligible to receive a
7 permit pursuant to this section. The permit can be issued by the
8 local game warden in the county for which the permit is to be used
9 or by the Law Enforcement Division of the Department of Wildlife
10 Conservation.

11 E. ~~Notwithstanding the provisions of Section 1289.13 of Title~~
12 ~~21 of the Oklahoma Statutes, it~~ It shall be lawful for any private
13 landowner or designated employee of the landowner or lessee to have
14 a chamber-loaded firearm on property owned by the landowner, and to
15 use the firearm for the purpose of controlling nuisance or damage by
16 any wildlife or feral swine. Nothing in this section shall
17 authorize any convicted felon to carry a firearm.

18 SECTION 2. AMENDATORY 29 O.S. 2021, Section 5-203.1, is
19 amended to read as follows:

20 Section 5-203.1. A. ~~No~~ Except as provided in Section 3 of this
21 act, no person may attempt to take, take, attempt to catch, catch,
22 attempt to capture, capture, attempt to kill, or kill any deer,
23 feral animal or other wildlife except fish and frogs by the use of a
24 ~~vehicle-mounted~~ vehicle-mounted spotlight or other powerful light at

1 night, by what is commonly known as "headlighting". Provided,
2 however, nothing in this section shall prevent one from possessing a
3 .22 caliber rimfire rifle or .22 pistol and a light carried while in
4 pursuit of furbearers with hounds during the legal, open furbearers
5 season, while possessing a valid hunting license.

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

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

14 ~~D.~~ C. Except as ~~otherwise~~ provided for in this section and in
15 Section 3 of this act, no person may harass, attempt to capture,
16 capture, attempt to take or take, kill or attempt to kill any
17 wildlife with the aid of any motor-driven land, air or water
18 conveyance. A nonambulatory person may hunt from said conveyances
19 with written permission of the Director of Wildlife Conservation. A
20 person may hunt from an air conveyance if issued a permit pursuant
21 to Section ~~4~~ 4-107.2 of this ~~act~~ title. Nothing in this section
22 shall prevent the use of motor-driven land or water conveyances for
23 following dogs in the act of hunting, when use is restricted to
24 public roads or waterways. Motor-driven land or water conveyances

1 may be used on private property for following dogs in the act of
2 hunting with the permission of the landowner or occupant.

3 ~~E.~~ D. Employees of the Oklahoma Department of Agriculture,
4 Food, and Forestry Wildlife Services Division and the United States
5 Department of Agriculture Wildlife Services while engaged in
6 wildlife management activities for the protection of agriculture,
7 property, human health and safety and natural resources shall be
8 exempt from the provisions of this section.

9 ~~F.~~ E. Any person convicted of violating the provisions of this
10 section shall be guilty of a misdemeanor and shall be punished by a
11 fine of not less than ~~Two Hundred Fifty Dollars (\$250.00)~~ One
12 Thousand Dollars (\$1,000.00) for a first offense and not less than
13 ~~Five Hundred Dollars (\$500.00)~~ Two Thousand Dollars (\$2,000.00) for
14 a second offense or by imprisonment in the county jail for not less
15 than ten (10) days nor more than one (1) year, ~~or~~ and by
16 confiscation pursuant to Section 5-402 of this title or by such
17 fine, imprisonment and confiscation.

18 F. A district court, upon request by the district attorney,
19 shall order the hunting and fishing license privileges of a person
20 convicted of a violation of this section suspended, revoked, or
21 denied for a period not less than one (1) year nor more than ten
22 (10) years. Upon completion of the period of suspension,
23 revocation, or denial of licensure, the person may apply for a new
24 hunting or fishing license or request a reinstatement of a lifetime

1 license, if the person previously held a lifetime license. The
2 person applying for a new or reinstated license shall be required to
3 pay a reinstatement fee of Two Hundred Dollars (\$200.00) for
4 residents of this state and a reinstatement fee of Five Hundred
5 Dollars (\$500.00) for nonresidents. This fee shall be in addition
6 to any other fees required for the hunting and fishing license.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 4-135.2 of Title 29, unless
9 there is created a duplication in numbering, reads as follows:

10 A. Except during deer gun seasons, a landowner, agricultural
11 lessee, or their designated agent with written permission from the
12 landowner or agricultural lessee may control nuisance or damage by
13 coyotes or feral swine without a permit as provided for in Section
14 4-135 of Title 29 of the Oklahoma Statutes during the day or night,
15 and without limitation by statewide season regulations or bag
16 limits, and with the use of any legal means of take, to protect
17 marketable agricultural crops, livestock or processed feed, seed, or
18 other materials used in the production of an agricultural commodity.
19 Landowners or agricultural lessees performing nuisance control
20 activities shall be required to have a current agricultural
21 exemption permit issued by the Oklahoma Tax Commission.

22 B. Notwithstanding the provisions of Section 5-203.1 of Title
23 29 of the Oklahoma Statutes, a landowner, agricultural lessee, or
24 designated agent of the landowner or lessee may use a headlight,

1 thermal, or light enhancement device carried on the person, a
2 vehicle with or without a mounted spotlight or night vision
3 equipment while controlling nuisance coyotes and feral swine at
4 night. Nothing in this subsection shall authorize the use of a
5 headlight, thermal or night vision equipment, or a spotlight from a
6 public roadway.

7 C. Any person who has been convicted of, or pleads guilty to, a
8 violation of Section 5-203.1 of Title 29 of the Oklahoma Statutes or
9 Section 5-411 of Title 29 of the Oklahoma Statutes within a previous
10 three-year period shall not control nuisance or damage by coyotes or
11 feral swine at night.

12 SECTION 4. This act shall become effective November 1, 2022.

13 Passed the Senate the 8th day of March, 2022.

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15 _____
16 Presiding Officer of the Senate

17 Passed the House of Representatives the ____ day of _____,
18 2022.

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20 _____
21 Presiding Officer of the House
22 of Representatives
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