

An Act

ENROLLED HOUSE
BILL NO. 1112

By: Talley of the House

and

Allen of the Senate

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. 2020, Section 5-201), which relates to means of taking wildlife; making certain means of taking wildlife subject to Wildlife Conservation Commission rules; 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. 2020, Sections 5-501 and 5-502), which relate to trapping; and providing an effective date.

SUBJECT: Game and fish

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. 2020, 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 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~~ caliber than ten (10) gauge;
4. Any device which generates electricity; or
5. Any device which noticeably suppresses noise from a firearm, commonly known as a suppressor or silencer, unless it is registered in compliance with the requirements of federal law.

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

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

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

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

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

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

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

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

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

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

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

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

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

addition to any other fees required for the hunting or fishing license.

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

SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-405, is amended to read as follows:

Section 5-405. A. ~~Except as otherwise provided, no person may hunt, kill, capture or otherwise take or destroy any furbearer, except from the first day of December to the last day of February, both dates inclusive.~~

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

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

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

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

Section 5-409. A. Except as otherwise provided by law, no person ~~may capture or kill squirrels except between May 15 to January 31, both dates inclusive, nor shall such person~~ shall bag or possess more than two (2) days' limit of squirrels after the second day's hunt. ~~Bag~~ Season dates and bag limits shall be set by the Wildlife Conservation Commission.

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

SECTION 4. REPEALER 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. 2020, Sections 5-501 and 5-502), are hereby repealed.

SECTION 5. This act shall become effective November 1, 2021.

Passed the House of Representatives the 10th day of March, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 12th day of April, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____