

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1112

 By: Talley of the House

5 and

6 **Allen** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to game and fish; amending 29 O.S.
11 2011, Section 5-201, as last amended by Section 2,
12 Chapter 165, O.S.L. 2016 (29 O.S. Supp. 2020, Section
13 5-201), which relates to means of taking wildlife;
14 making certain means of taking wildlife subject to
15 Wildlife Conservation Commission rules; amending 29
16 O.S. 2011, Sections 5-405 and 5-409, which relate to
17 wild game; modifying requirements for taking
18 furbearers; modifying requirements for taking
19 squirrels; repealing 29 O.S. 2011, Sections 5-501, as
20 amended by Section 2, Chapter 132, O.S.L. 2015 and 5-
21 502, as last amended by Section 3, Chapter 132,
22 O.S.L. 2015 (29 O.S. Supp. 2020, Sections 5-501 and
23 5-502), which relate to trapping; and providing an
24 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.
2020, Section 5-201), is amended to read as follows:

1 Section 5-201. A. Except as otherwise provided for in this
2 section or in rules promulgated by the Wildlife Conservation
3 Commission, no person may utilize at any time, for the purpose of
4 killing or capturing any game mammal, game bird, nongame bird or
5 exotic wildlife, the following means:

6 1. Any trap, net, snare, cage, pitfall, baited hook or similar
7 device;

8 2. Any drug, poison, narcotic, explosive or similar substance;

9 3. Any swivel or punt gun of greater ~~calibre~~ caliber than ten
10 (10) gauge;

11 4. Any device which generates electricity; or

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

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

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

22 D. The following persons shall be exempt from the prohibition
23 in subsection A of this section:
24

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

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

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

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

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

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

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

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

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

22 2. Any person convicted of violating the provisions of
23 subsection B or C of this section shall be punished by a fine of not
24 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five

1 Hundred Dollars (\$500.00) or by imprisonment in the county jail not
2 exceeding one (1) year, or by both the fine and imprisonment. In
3 addition, the court may order that the hunting or fishing license
4 and privileges of any person convicted of violating the provisions
5 of subsection B or C of this section be revoked for a period of not
6 less than one (1) year but not exceeding five (5) years. The cost
7 of reinstating a hunting or fishing license revoked pursuant to this
8 subsection for residents shall be Two Hundred Dollars (\$200.00) for
9 each license and for nonresidents shall be Five Hundred Dollars
10 (\$500.00) for each license. The reinstatement fee shall be in
11 addition to any other fees required for the hunting or fishing
12 license.

13 3. Any person convicted of a wildlife offense which involves a
14 species of wildlife listed in Section 5-411 of this title, involves
15 a species of wildlife referenced in Section 5-412 of this title or
16 involves the unlawful possession, taking or killing of the wildlife
17 from an unlawful hunt, chase, trap, capture, shooting, killing or
18 slaughter while using a suppressed firearm during the commission of
19 the wildlife offense, in addition to any other penalty otherwise
20 provided for in law, shall be punished by a fine of not less than
21 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars
22 (\$1,000.00) or by imprisonment in the county jail not exceeding one
23 (1) year, or by both the fine and imprisonment. In addition, the
24 court may order that the hunting or fishing license and privileges

1 of the person be revoked for a period of not less than one (1) year
2 but not exceeding five (5) years.

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

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

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

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

19 B. A person may kill furbearers actually found destroying
20 livestock, poultry or exotic livestock, ~~nor the running.~~ A person
21 may also run or ~~chasing of~~ chase a fox, bobcat and raccoon with dogs
22 for sport only. For purposes of this section, the term "exotic
23 livestock" means commercially raised exotic livestock including
24

1 animals of the families bovidae, cervidae and antilocapridae or
2 birds of the ratite group.

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

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

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

14 SECTION 4. REPEALER 29 O.S. 2011, Sections 5-501, as
15 amended by Section 2, Chapter 132, O.S.L. 2015 and 5-502, as last
16 amended by Section 3, Chapter 132, O.S.L. 2015 (29 O.S. Supp. 2020,
17 Sections 5-501 and 5-502), are hereby repealed.

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

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20 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 02/11/2021 - DO
21 PASS, As Coauthored.

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