

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 812

By: Murdock of the Senate

and

Fetgatter of the House

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9 An Act relating to game and fish; amending 29 O.S.
10 2011, Section 4-101, as amended by Section 1, Chapter
11 341, O.S.L. 2013 (29 O.S. Supp. 2020, Section 4-101),
12 which relates to licenses; authorizing submission of
13 license or permit to a Department of Wildlife
14 Conservation officer; authorizing certain electronic
15 transfers; amending Section 2, Chapter 200, O.S.L.
16 2012 (29 O.S. Supp. 2020, Section 5-202.1), which
17 relates to license revocation; authorizing submission
18 of license or permit to a Department of Wildlife
19 Conservation officer; authorizing certain electronic
20 transfers; amending 29 O.S. 2011, Section 7-205, as
21 amended by Section 2, Chapter 286, O.S.L. 2013 (29
22 O.S. Supp. 2020, Section 7-205), which relates to
23 capture or mutilation of protected wildlife;
24 authorizing submission of license or permit to a
25 Department of Wildlife Conservation officer;
26 authorizing certain electronic transfers; and
27 providing an effective date.

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

29 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-101, as
30 amended by Section 1, Chapter 341, O.S.L. 2013 (29 O.S. Supp. 2020,
31 Section 4-101), is amended to read as follows:

1 Section 4-101. A. All licenses and permits issued by the
2 Director of Wildlife Conservation, the Department of Wildlife
3 Conservation or by any of its agents shall be used only in
4 conformity with the provisions of this title and the rules
5 promulgated by the Oklahoma Wildlife Conservation Commission.

6 B. All persons making application for any licenses required by
7 this section shall produce a valid license to operate a motor
8 vehicle or other positive proof of identification, age and
9 residency, and any such license issued shall show such data as well
10 as the date and time of issuance.

11 C. All licenses are nontransferable. No person shall alter,
12 change, lend or transfer any license. No person shall use or borrow
13 a license which has not been issued to that person by the Director,
14 the Department or by any of its agents pursuant to the provisions of
15 this section.

16 D. No person may engage in activities requiring a license
17 without that person's carrying such license on their person and
18 producing the same for an inspection upon the demand of any Oklahoma
19 citizen or game warden.

20 E. Any person required to produce a license must also identify
21 themselves as the person to whom such license was issued, and
22 failure or refusal to comply shall be deemed prima facie evidence of
23 a violation of this section.

24 F. Unless otherwise provided in this Code:

1 1. Hunting licenses issued pursuant to paragraph 1 of
2 subsection C and paragraphs 1 and 3 of subsection E of Section 4-112
3 of this title and paragraphs 1 and 3 of subsection B of Section 4-
4 113 of this title shall expire on December 31 of the year issued.

5 Hunting licenses issued pursuant to paragraph 2 of subsection C and
6 paragraphs 2 and 4 of subsection E of Section 4-112 of this title
7 and paragraphs 2 and 4 of subsection B of Section 4-113 of this
8 title shall expire on June 30 of the fiscal year issued. All other
9 licenses shall terminate December 31 for the year issued; and

10 2. Any person convicted of violating any of the provisions of
11 this title may have any or all licenses held by that person or the
12 privilege of applying for, purchasing or exercising the benefits
13 conferred by the licenses revoked by the Department in accordance
14 with rules promulgated by the Commission or by a court of competent
15 jurisdiction for a period of not less than one (1) year. For
16 purposes of this paragraph, a court conviction, a plea of guilty, a
17 plea of nolo contendere, the imposition of a deferred or suspended
18 sentence by a court, or forfeiture of bond shall be deemed a
19 conviction.

20 G. Should any license or permit issued pursuant to Part 1 of
21 Article IV of this title be lost or destroyed, duplicates will be
22 issued by the Department at a fee of One Dollar and fifty cents
23 (\$1.50).
24

1 H. Upon harvesting any whitetail or mule deer, or any other
2 wildlife where the hunter, according to Commission rules, is
3 required to check the wildlife in at a Department check station, the
4 taker of the wildlife shall:

5 1. Securely attach the name of the taker, time of harvest, date
6 of harvest and license number to the carcass of the wildlife;

7 2. Check in the carcass of the wildlife electronically using
8 the online check station provided on the official website of the
9 Oklahoma Department of Wildlife Conservation or as prescribed by
10 rule of the Commission, within twenty-four (24) hours of leaving the
11 hunt area and in all cases prior to processing the carcass; and

12 3. Not remove evidence of the sex of the animal until after the
13 carcass of the animal has been checked in.

14 I. It shall be unlawful for any license or permit holder to
15 knowingly make a false statement or give false information to any
16 authorized hunter check station or to an authorized Department
17 employee when complying with the provisions of subsection H of this
18 section. Information which may be collected at a Department check
19 station shall include but not be limited to the name, address,
20 license or permit number and signature of the taker, the date, time,
21 county, method or weapon of the kill, sex and weight of carcass,
22 whether or not the animal was taken on public hunting land and if so
23 in what area, or any other information which may be required by the
24 Commission.

1 J. 1. Any person convicted of violating the provisions of this
2 section or of making a false statement or giving any false
3 information in order to acquire any license or permit, pursuant to
4 the provisions of this section, shall be punishable by a fine of not
5 less than One Hundred Dollars (\$100.00) nor more than Two Hundred
6 Fifty Dollars (\$250.00), or by imprisonment in the county jail for a
7 period not to exceed ten (10) days, or by both such fine and
8 imprisonment. Any person convicted of a second or subsequent
9 violation of the provisions of this section or of making a false
10 statement or giving any false information in order to acquire any
11 license or permit, pursuant to the provisions of this section, shall
12 be punishable by a fine of not less than Two Hundred Fifty Dollars
13 (\$250.00) nor more than Seven Hundred Fifty Dollars (\$750.00), or by
14 imprisonment in the county jail for a period not to exceed ten (10)
15 days, or by both such fine and imprisonment.

16 2. Any hunting or fishing license issued to a person by the
17 Department of Wildlife Conservation shall be automatically revoked
18 upon conviction of the person of violating the provisions of this
19 section. The revocation shall be for a period set by the court of
20 not less than one (1) year nor more than ten (10) years. If the
21 court does not set a period, the revocation shall be for one (1)
22 year from the date of the conviction. During this period of
23 revocation, the Department shall not issue the person a hunting or
24 fishing license. If the court does not set a revocation period, the

1 Department shall not issue that person a license within one (1) year
2 of the conviction of the person pursuant to this section. A person
3 who has a license or permit revoked pursuant to this section shall
4 surrender the revoked license or permit to the court, or the court
5 may order the defendant to surrender the license or permit directly
6 to an officer from the Department of Wildlife Conservation present
7 at the hearing. ~~The~~ If the license or permit is surrendered to the
8 court, the court shall send the Department of Wildlife Conservation
9 the revoked license ~~and~~. The court shall also send the Department a
10 copy of the judgment of conviction. For purposes of this section,
11 "conviction" shall include a plea of guilty or nolo contendere to an
12 offense or the imposition of deferred adjudication for an offense.
13 In lieu of sending a paper copy of the documents and information
14 required by this subsection, the court clerk may transmit the
15 conviction information by using an electronic method authorized by
16 the Department of Wildlife Conservation.

17 K. Any person who has had their license privileges revoked
18 shall not be entitled to purchase, apply for, or exercise the
19 benefits conferred by any license until the revocation period has
20 expired or the person has obtained approval from the Director. Any
21 person violating the provisions of this subsection, upon conviction,
22 shall be punished by a fine of not more than Five Hundred Dollars
23 (\$500.00), or by imprisonment in a county jail for a term of not
24 more than ninety (90) days or by both the fine and imprisonment.

1 Upon conviction under this subsection, the previously granted
2 license revocation period shall be extended by two (2) additional
3 years.

4 SECTION 2. AMENDATORY Section 2, Chapter 200, O.S.L.
5 2012 (29 O.S. Supp. 2020, Section 5-202.1), is amended to read as
6 follows:

7 Section 5-202.1. A. Any hunting or fishing license issued to a
8 person by the Department of Wildlife Conservation shall be
9 automatically revoked on final conviction of the person of an
10 offense under subsection J of Section 5-202 of ~~Title 29 of the~~
11 ~~Oklahoma Statutes~~ this title. The revocation shall be for a period
12 set by the court of not less than one (1) year or more than ten (10)
13 years. If the court does not set a period, the revocation shall be
14 for one (1) year from the date the conviction becomes final. During
15 this period of revocation, the Department shall not issue that
16 person a hunting or fishing license. If the court does not set a
17 period, the Department shall not issue that person a license before
18 the first anniversary of the date the conviction becomes final.

19 B. A person who has a license or permit revoked under this
20 section shall surrender the revoked license or permit to the court,
21 or the court may order the defendant to surrender the license or
22 permit directly to an officer from the Department of Wildlife
23 Conservation present at the hearing. ~~The~~ If the license or permit
24 is surrendered to the court, the court shall send the Department of

1 Wildlife Conservation the revoked license ~~and~~. The court shall also
2 send the Department a copy of the judgment of conviction. In lieu
3 of sending a paper copy of the documents and information required by
4 this subsection, the court clerk may transmit the conviction
5 information by using an electronic method authorized by the
6 Department of Wildlife Conservation.

7 C. For purposes of this section, "final conviction" shall
8 include a plea of guilty or nolo contendere to or the imposition of
9 deferred adjudication for an offense.

10 SECTION 3. AMENDATORY 29 O.S. 2011, Section 7-205, as
11 amended by Section 2, Chapter 286, O.S.L. 2013 (29 O.S. Supp. 2020,
12 Section 7-205), is amended to read as follows:

13 Section 7-205. A. Excluding furbearers and coyotes, no person
14 may capture, kill, mutilate or destroy any wildlife protected by law
15 and remove the head, claws, teeth, hide, antlers, horns or any or
16 all of such parts from the body with the intent to abandon the body.

17 B. Excluding furbearers and coyotes, no person may capture or
18 mutilate any living wildlife protected by law by removing the claws,
19 teeth, hide, antlers, horns or any or all of such parts from the
20 body.

21 C. No person may kill any wildlife protected by law and abandon
22 the body without disposing of the body in the most appropriate
23 manner.

1 D. Any person convicted of violating the provisions of this
2 section shall be punished by a fine of not less than Five Hundred
3 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or
4 by imprisonment in the county jail for not more than one (1) year,
5 or by both fine and imprisonment.

6 E. Any hunting or fishing license issued to a person by the
7 Department of Wildlife Conservation shall be automatically revoked
8 upon conviction of the person of violating the provisions of this
9 section. The revocation shall be for a period set by the court of
10 not less than one (1) year nor more than ten (10) years. If the
11 court does not set a period, the revocation shall be for one (1)
12 year from the date of the conviction. During this period of
13 revocation, the Department shall not issue the person a hunting or
14 fishing license. If the court does not set a revocation period, the
15 Department shall not issue that person a license within one (1) year
16 of the conviction of the person pursuant to this section. A person
17 who has a license or permit revoked pursuant to this section shall
18 surrender the revoked license or permit to the court, or the court
19 may order the defendant to surrender the license or permit directly
20 to an officer from the Department of Wildlife Conservation present
21 at the hearing. ~~The~~ If the license or permit is surrendered to the
22 court, the court shall send the Department of Wildlife Conservation
23 the revoked license ~~and~~. The court shall also send the Department a
24 copy of the judgment of conviction. For purposes of this section,

1 "conviction" shall include a plea of guilty or nolo contendere to an
2 offense or the imposition of deferred adjudication for an offense.
3 In lieu of sending a paper copy of the documents and information
4 required by this subsection, the court clerk may transmit the
5 conviction information by using an electronic method authorized by
6 the Department of Wildlife Conservation.

7 SECTION 4. This act shall become effective November 1, 2021.

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9 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 04/08/2021 - DO
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