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ENGROSSED HOUSE  
BILL NO. 1112

and

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.

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

1 Commission, no person may utilize at any time, for the purpose of  
2 killing or capturing any game mammal, game bird, nongame bird or  
3 exotic wildlife, the following means:

4 1. Any trap, net, snare, cage, pitfall, baited hook or similar  
5 device;

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

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

9 4. Any device which generates electricity; or

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

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

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

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

22 1. The Director, departmental employees and authorized agents  
23 when capturing wildlife for propagation or management purposes;  
24

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

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

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

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

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

22        F. A person shall be exempt from the prohibition in subsection  
23 B of this section if the person is permanently physically disabled  
24 so that the person is physically incapable of using a firearm,

1 crossbow, or conventional bow as certified in writing by a physician  
2 licensed to practice medicine. A person who has received  
3 certification as provided for in this paragraph shall have in ~~their~~  
4 his or her possession written evidence of the certification while in  
5 the field hunting.

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

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

19 2. Any person convicted of violating the provisions of  
20 subsection B or C of this section shall be punished by a fine of not  
21 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five  
22 Hundred Dollars (\$500.00) or by imprisonment in the county jail not  
23 exceeding one (1) year, or by both the fine and imprisonment. In  
24 addition, the court may order that the hunting or fishing license

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

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

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

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

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

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

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

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

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

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

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

16       SECTION 5. This act shall become effective November 1, 2021.  
17 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE  
18 March 29, 2021 - DO PASS  
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