

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 478

By: Deevers

AS INTRODUCED

An Act relating to feral swine; amending 2 O.S. 2021, Section 6-604, which relates to the removal of feral swine; removing requirement for permit or license to remove or take feral swine; amending 29 O.S. 2021, Sections 4-107.2, as amended by Section 1, Chapter 77, O.S.L. 2018, 4-135, as last amended by Section 1, Chapter 198, O.S.L. 2023, and Section 3, Chapter 171, O.S.L. 2022 (29 O.S. Supp. 2024, Sections 4-135 and 4-135.2), which relate to control of nuisance wildlife; modifying definition; removing requirement for permit or license to remove or take feral swine; making language gender neutral; updating statutory references; repealing 2 O.S. 2021, Section 6-605, which relates to special permit for private property owner to kill feral swine; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2021, Section 6-604, is amended to read as follows:

Section 6-604. ~~A.~~ Except as otherwise specified in the Feral Swine Control Act, any person with permission of the owner may remove feral swine from private or public property ~~during daylight hours.~~

1 ~~B. Any person who intends to kill or attempt to kill feral~~
2 ~~swine at night shall obtain a permit issued by the Department of~~
3 ~~Wildlife Conservation pursuant to Section 4-135 of Title 29 of the~~
4 ~~Oklahoma Statutes and promulgated rules.~~

5 SECTION 2. AMENDATORY 29 O.S. 2021, Section 4-107.2, as
6 amended by Section 1, Chapter 77, O.S.L. 2018, is amended to read as
7 follows:

8 Section 4-107.2. A. The Oklahoma Department of Agriculture,
9 Food, and Forestry is authorized to issue a permit to a person to
10 engage in the management of depredating animals by use of aircraft.
11 The permit may be issued without limitation by statewide season
12 regulations or bag limits.

13 B. The permit holder may contract with and authorize other
14 persons to engage in the management of depredating animals by use of
15 an aircraft, provided that the permit holder accompanies the
16 authorized person while engaging in the activity and, if engaging in
17 the activity on private property, the authorized person has consent
18 of the landowner. Any person contracting with or authorized by a
19 permit holder pursuant to this subsection shall not be required to
20 have a permit to engage in the management of depredating animals by
21 use of aircraft. If contracting or authorizing other persons to
22 engage in the management of depredating animals by use of an
23 aircraft, the permit holder shall inform the person of the
24 importance of safely keeping his or her aim and fire beneath the

1 horizon. The permit holder shall have the authorized person sign a
2 disclosure stating that the person is aware of the dangers of aiming
3 and shooting over the horizon. The permit holder shall retain a
4 copy of the disclosure for a reasonable period of time. Personnel
5 of the Department of Defense and law enforcement shall not be
6 required to sign a disclosure.

7 C. A pilot of an aircraft used for the management of
8 depredating animals shall maintain a daily flight log and report.
9 The daily flight log shall be current and available for inspection
10 by employees of the Oklahoma Department of Agriculture, Food, and
11 Forestry at reasonable times. The permit shall be carried in the
12 aircraft when performing management by the use of aircraft. Each
13 permit holder, authorized person pursuant to subsection B of this
14 section and pilot shall comply with all Federal Aviation Regulations
15 for the specific type of aircraft. The Oklahoma Department of
16 Agriculture, Food, and Forestry shall not require the pilot to hold
17 a specific type of pilot's license. The Oklahoma Department of
18 Agriculture, Food, and Forestry shall also not require the permit
19 holder or pilot to carry liability insurance.

20 Applications for a permit shall be submitted to the Oklahoma
21 Department of Agriculture, Food, and Forestry and shall contain all
22 information as required by the Oklahoma Department of Agriculture,
23 Food, and Forestry. The Oklahoma Department of Agriculture, Food,
24 and Forestry may issue a permit if it finds that it will aid in the

1 management of depredating animals. The Oklahoma Department of
2 Agriculture, Food, and Forestry may deny the permit if it finds that
3 it will have a deleterious effect on indigenous species. The
4 Oklahoma Department of Agriculture, Food, and Forestry shall not
5 require the names of the persons authorized by or contracting with
6 the permit holder pursuant to subsection B of this section. The
7 permit shall include, but is not limited to, the following
8 information:

- 9 1. The name and address of the permit holder;
- 10 2. A description of the animals to be taken;
- 11 3. A description of the area from which the animals are
12 authorized to be taken; and
- 13 4. The issue and expiration date of the permit.

14 D. A permit to manage depredating animals issued pursuant to
15 this section shall be valid for a period of one (1) year from the
16 date of issuance. Permits may be renewed by filing an application
17 for renewal with the Oklahoma Department of Agriculture, Food, and
18 Forestry.

19 E. The annual fee for a permit to manage depredating animals
20 issued pursuant to this section shall be Two Hundred Dollars
21 (\$200.00).

22 F. Not less than twenty-four (24) hours prior to managing
23 depredating animals by use of an aircraft, a permit holder shall
24 notify the Oklahoma Department of Agriculture, Food, and Forestry of

1 the date, time, and area on which management will occur.

2 Notification may be made by telephone, fax, or electronic means, as
3 determined by the Oklahoma Department of Agriculture, Food, and
4 Forestry.

5 G. The holder of a permit to manage depredating animals issued
6 pursuant to this section shall file with the Oklahoma Department of
7 Agriculture, Food, and Forestry within thirty (30) days following
8 the end of each calendar quarter or on termination of the permit,
9 whichever occurs first, a report on a form prescribed by the
10 Oklahoma Department of Agriculture, Food, and Forestry showing:

11 1. The name, address, and permit number of the permit holder;

12 2. The name and address of the pilot participating in the
13 flights;

14 3. The number and description of the depredating animals
15 managed under the permit;

16 4. The types of depredating animals authorized to be managed
17 under the permit;

18 5. Dates and times of authorized flights; and

19 6. Any other information required by the Oklahoma Department of
20 Agriculture, Food, and Forestry.

21 H. It shall be unlawful for a person issued a permit to manage
22 depredating animals pursuant to this section or a person authorized
23 by or contracting with the permit holder pursuant to subsection B of
24 this section to:

1 1. Hunt, shoot, shoot at, kill, or attempt to kill from an
2 aircraft any wildlife, domesticated animal, or livestock other than
3 the depredating animals authorized by the permit;

4 2. Intentionally disturb, haze, or buzz any wildlife,
5 domesticated animal, or livestock by the use of an aircraft other
6 than the depredating animals authorized by the permit; or

7 3. Take or attempt to take any depredating animal for any
8 purpose other than is necessary for the protection of land, water,
9 wildlife, livestock, domesticated animals, human life, or crops.

10 I. During designated deer hunting seasons from the dates of
11 October 1 through January 15 as specified in rules promulgated by
12 the Department of Wildlife Conservation, it shall be unlawful to
13 take or attempt to take depredating animals without first obtaining
14 a special permit from the local game warden or other authorized
15 employee of the Department of Wildlife Conservation.

16 J. 1. Any person convicted of violating the provisions of this
17 section shall be punished by a fine ~~of~~ not less than Five Hundred
18 Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars
19 (\$1,500.00), or by imprisonment in the county jail not to exceed
20 sixty (60) days, or by both such fine and imprisonment. Any person
21 convicted of violating the provisions of this section shall have the
22 permit issued pursuant to this section revoked. No new permit shall
23 be issued for a period of six (6) months from and after the date on
24 which the revocation order becomes effective.

1 2. In addition to the criminal penalties specified by this
2 section, the Oklahoma Department of Agriculture, Food, and Forestry
3 may:

4 a. assess an administrative penalty ~~of~~ not more than Ten
5 Thousand Dollars (\$10,000.00) per day of
6 noncompliance, or

7 b. bring an action for injunctive relief granted by a
8 district court.

9 3. A district court may grant injunctive relief to prevent a
10 violation of, or to compel compliance with, any of the provisions of
11 this section or any rule promulgated pursuant to this section, or
12 order, license or permit issued pursuant to this section.

13 4. Nothing in this section shall preclude the Oklahoma
14 Department of Agriculture, Food, and Forestry from seeking penalties
15 in district court in the maximum amount allowed by law.

16 5. Any person assessed an administrative penalty may be
17 required to pay, in addition to the penalty amount and interest,
18 attorney fees and costs associated with the collection of the
19 penalties.

20 6. The Oklahoma Department of Agriculture, Food, and Forestry
21 or the district attorney of the appropriate district of Oklahoma may
22 bring an action in district court for the criminal prosecution of a
23 violation by any person of a provision of this section or any rule
24 promulgated pursuant to this section, or order, license or permit

1 issued pursuant to this section. The assessment of penalties in an
2 administrative enforcement proceeding shall not prevent the
3 subsequent assessment by a court of the maximum criminal penalties
4 for violations of this section.

5 K. Any person convicted of violating the provisions of Section
6 4-106 of this title shall have the permit issued pursuant to this
7 section revoked. No new permit shall be issued for a period of six
8 (6) months from and after the date on which the revocation order
9 becomes effective.

10 L. As used in this section:

11 1. "Depredating animal" means ~~feral hogs~~, coyotes, and
12 crossbreeds between coyotes and dogs;

13 2. "Management by the use of aircraft" means to manage
14 depredating animals by counting, photographing, relocating,
15 capturing, or hunting with any firearm by the use of aircraft; and

16 3. "Aircraft" means manned fixed-wing and non-fixed-wing
17 aircraft registered with the Federal Aviation Administration (FAA).

18 SECTION 3. AMENDATORY 29 O.S. 2021, Section 4-135, as
19 last amended by Section 1, Chapter 198, O.S.L. 2023 (29 O.S. Supp.
20 2024, Section 4-135), is amended to read as follows:

21 Section 4-135. A. The Department of Wildlife Conservation is
22 authorized to issue permits to landowners, agricultural lessees, or
23 their designated agents with written permission of the landowner or
24 agricultural lessee and to any entity of state, county, or local

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

13 B. Except as otherwise specified in this ~~subsection~~ section,
14 the permit to hunt at night shall be valid for a period of up to one
15 (1) year from the date the permit was issued.

16 C. Notwithstanding the provisions of Section 5-203.1 of this
17 title, a landowner, agricultural lessee, or designated agent with
18 written permission of the landowner and with a valid permit may use
19 a headlight carried on the person while hunting at night. Nothing
20 in this section shall authorize the use of a headlight mounted on a
21 vehicle or the use of a headlight from a public roadway.

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

5 E. It shall be lawful for any private landowner or designated
6 employee of the landowner or lessee to have a chamber-loaded firearm
7 on property owned by the landowner, and to use the firearm for the
8 purpose of controlling nuisance or damage by any wildlife ~~or feral~~
9 ~~swine~~. Nothing in this section shall authorize any convicted felon
10 to carry a firearm.

11 SECTION 4. AMENDATORY Section 3, Chapter 171, O.S.L.
12 2022 (29 O.S. Supp. 2024, Section 4-135.2), is amended to read as
13 follows:

14 Section 4-135.2. A. Except during deer gun seasons, a
15 landowner, agricultural lessee, or ~~their~~ his or her designated agent
16 with written permission from the landowner or agricultural lessee
17 may control nuisance or damage by coyotes ~~or feral swine~~ without a
18 permit as provided for in Section 4-135 of ~~Title 29 of the Oklahoma~~
19 ~~Statutes~~ this title during the day or night, and without limitation
20 by statewide season regulations or bag limits, and with the use of
21 any legal means of take, to protect marketable agricultural crops,
22 livestock or processed feed, seed, or other materials used in the
23 production of an agricultural commodity. Landowners or agricultural
24 lessees performing nuisance control activities shall be required to

1 have a current agricultural exemption permit issued by the Oklahoma
2 Tax Commission.

3 B. Notwithstanding the provisions of Section 5-203.1 of ~~Title~~
4 ~~29 of the Oklahoma Statutes~~ this title, a landowner, agricultural
5 lessee, or designated agent of the landowner or lessee may use a
6 headlight, thermal, or light enhancement device carried on the
7 person, a vehicle with or without a mounted spotlight, or night
8 vision equipment while controlling nuisance coyotes ~~and feral swine~~
9 at night. Nothing in this subsection shall authorize the use of a
10 headlight, thermal or night vision equipment, or a spotlight from a
11 public roadway.

12 C. Any person who has been convicted of, or pleads guilty to, a
13 violation of Section 5-203.1 ~~of Title 29 of the Oklahoma Statutes~~ or
14 ~~Section 5-411 of Title 29 of the Oklahoma Statutes~~ this title within
15 a previous three-year period shall not control nuisance or damage by
16 coyotes ~~or feral swine~~ at night.

17 SECTION 5. REPEALER 2 O.S. 2021, Section 6-605, is
18 hereby repealed.

19 SECTION 6. This act shall become effective November 1, 2025.

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21 60-1-1285 MR 1/19/2025 5:37:11 AM
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