

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 879

By: Dahm of the Senate

and

McDugle of the House

6
7
8
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to game and fish; amending 29 O.S.
11 2011, Section 4-113, which relates to hunting and
12 fishing annual combination licenses; decreasing
13 certain license fee; creating annual landowner
14 combination license; providing persons for which the
15 license may be assigned; restricting validity of
16 license to certain land; establishing fee; providing
17 limit for the amount of licenses issued; authorizing
18 the Department of Wildlife Conservation to require
19 verification; requiring the Department to promulgate
20 rules; amending 29 O.S. 2011, Section 5-201, as last
21 amended by Section 2, Chapter 165, O.S.L. 2016 (29
22 O.S. Supp. 2018, Section 5-201), which relates to the
23 means of taking wildlife; adding exception; amending
24 29 O.S. 2011, Section 5-405, which relates to
furbearers; providing for trapping pursuant to rules
promulgated by the Commission; removing exception;
removing requirement to sell or dispose of pelts in a
certain amount of time; amending 29 O.S. 2011,
Section 5-409, which relates to squirrels; removing
dates when squirrel hunting is prohibited; 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. 2018, Sections 5-501 and 5-502), which
relate to permission to trap on inhabited lands and
trapping devices; and providing an effective date.

1
2 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

3 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-113, is
4 amended to read as follows:

5 Section 4-113. A. Legal residents who are not the individuals
6 excepted from the license requirement as provided in subsection B of
7 Section 4-112 of this title may purchase an annual combination
8 hunting/fishing license from the Director or agents of the Director.

9 B. The fee for each combination hunting/fishing license issued
10 under this section shall be:

11 1. For legal residents eighteen (18) years of age and older for
12 a license that expires on December 31 of the year purchased - ~~Forty-~~
13 ~~one Dollars (\$41.00)~~ Thirty-six Dollars (\$36.00);

14 2. For residents eighteen (18) years of age and older for a
15 license that expires on June 30 of the fiscal year purchased -
16 Fifty-two Dollars (\$52.00);

17 3. For legal residents sixteen (16) or seventeen (17) years of
18 age for a license that expires on December 31 of the year purchased
19 - Thirteen Dollars (\$13.00); and

20 4. For legal residents sixteen (16) or seventeen (17) years of
21 age for a license that expires on June 30 of the fiscal year
22 purchased - Eighteen Dollars (\$18.00).

23 C. Legal residents and nonresidents may purchase an annual
24 combination hunting and fishing landowner license. The license

1 provided for in this subsection may be assigned to the landowner's
2 spouses, parents, grandparents, children and their spouses and
3 grandchildren and their spouses, whether or not they are Oklahoma
4 residents. The license shall only be valid on the land for which it
5 is issued. The license fee shall be Seventy-five Dollars (\$75.00).
6 The total number of annual combination hunting and fishing landowner
7 licenses issued shall not exceed one license for each eighty (80)
8 acres owned by the landowner. Evidence of ownership, parental,
9 grandparental, child or grandchild spousal relationship, if
10 requested, shall be provided to the Department of Wildlife
11 Conservation. The Department shall promulgate rules to enforce the
12 provisions of this subsection.

13 D. Of the fees collected pursuant to the provisions of
14 paragraphs 1 and 2 of subsection B of this section, Five Dollars
15 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land
16 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund
17 created pursuant to the provisions of Section 4-141 of this title.

18 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-201, as
19 last amended by Section 2, Chapter 165, O.S.L. 2016 (29 O.S. Supp.
20 2018, Section 5-201), is amended to read as follows:

21 Section 5-201. A. Except as otherwise provided for in this
22 section or in rules promulgated by the Wildlife Conservation
23 Commission, no person may utilize at any time, for the purpose of
24

1 killing or capturing any game mammal, game bird, nongame bird or
2 exotic wildlife, the following means:

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

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

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

8 4. Any device which generates electricity; or

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

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

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

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

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

23 2. Any person, group or governmental agency the Director may by
24 written permit authorize, where any species of nongame birds are

1 causing a nuisance or undue economic loss, as may be determined by
2 the Director. Such permit shall state the method of control and
3 specific procedures and conditions as may be deemed appropriate by
4 the Director;

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

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

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

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

20 F. A person shall be exempt from the prohibition in subsection
21 B of this section if the person is permanently physically disabled
22 so that the person is physically incapable of using a firearm,
23 crossbow, or conventional bow as certified in writing by a physician
24 licensed to practice medicine. A person who has received

1 certification as provided for in this paragraph shall have in their
2 possession written evidence of the certification while in the field
3 hunting.

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

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

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

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

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

22 SECTION 3. AMENDATORY 29 O.S. 2011, Section 5-405, is
23 amended to read as follows:
24

1 Section 5-405. A. ~~Except as otherwise provided, no~~ No person
2 may hunt, kill, capture or otherwise take or destroy any furbearer,
3 ~~except from the first day of December to the last day of February,~~
4 ~~both dates inclusive~~ as provided by this section and the rules
5 promulgated by the Wildlife Conservation Commission.

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

12 C. ~~Nothing contained in these provisions shall prevent the~~
13 ~~killing of furbearers actually found destroying livestock, poultry~~
14 ~~or exotic livestock, nor the running or chasing of fox, bobcat and~~
15 ~~raccoon with dogs for sport only. For purposes of this section, the~~
16 ~~term "exotic livestock" means commercially raised exotic livestock~~
17 ~~including animals of the families bovidae, cervidae and~~
18 ~~antilocapridae or birds of the ratite group.~~

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

21 Section 5-409. A. Except as otherwise provided by law, no
22 person ~~may~~ shall ~~capture or kill squirrels except between May 15 to~~
23 ~~January 31, both dates inclusive, nor shall such person bag or~~
24 ~~possess more than two (2) day's limit~~ of squirrels after the second

1 day's hunt. ~~Bag~~ Season dates and bag limits shall be set by the
2 Commission.

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

7 SECTION 5. REPEALER 29 O.S. 2011, Section 5-501, as
8 amended by Section 2, Chapter 132, O.S.L. 2015 (29 O.S. Supp. 2018,
9 Section 5-501), is hereby repealed.

10 SECTION 6. REPEALER 29 O.S. 2011, Section 5-502, as last
11 amended by Section 3, Chapter 132, O.S.L. 2015 (29 O.S. Supp. 2018,
12 Section 5-502), is hereby repealed.

13 SECTION 7. This act shall become effective November 1, 2019.

14

15 57-1-2285 QD 5/16/2019 3:26:26 PM

16

17

18

19

20

21

22

23

24