ENGROSSED SENATE
BILL NO. 1746
By: Murdock of the Senate
and
McDugle of the House

[ nuisance wildlife - headlighting - coyote -
codification - effective date ]

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

SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-135, is amended to read as follows:

Section 4-135. A. The Department of Wildlife Conservation is authorized to issue permits to landowners, lessees, or their designated agents and to any entity of state, county, or local government to control nuisance or damage by any species of wildlife including, but not limited to, beaver, coyote, deer, bobcat, raccoon, feral swine and crow under rules promulgated by the Oklahoma Wildlife Conservation Commission. The permits may be issued without limitation by statewide season regulations, bag limits or methods of taking. A permitted landowner, lessee or a designated agent of the landowner or lessee may, with a valid permit issued pursuant to this section, control the wildlife specified in this subsection and feral swine at night to protect marketable
agricultural crops, livestock or processed feed, seed or other materials used in the production of an agricultural commodity.

B. Except as otherwise specified in this subsection, the permit to hunt at night shall be valid for a period of up to one (1) year from the date the permit was issued. Each landowner, lessee or designated agent with a valid permit shall be required to have a current agricultural exemption permit issued by the Oklahoma Tax Commission.

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

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

E. Notwithstanding the provisions of Section 1289.13 of Title 21 of the Oklahoma Statutes, it shall be lawful for any private landowner or designated employee of the landowner or lessee to have
a chamber-loaded firearm on property owned by the landowner and to use the firearm for the purpose of controlling nuisance or damage by any wildlife or feral swine. Nothing in this section shall authorize any convicted felon to carry a firearm.

SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-203.1, is amended to read as follows:

Section 5-203.1. A. No person may attempt to take, take, attempt to catch, catch, attempt to capture, capture, attempt to kill or kill any deer, feral animal or other wildlife except fish, coyotes, feral swine and frogs by the use of a vehicle mounted spotlight or other powerful light at night, by what is commonly known as “headlighting”, except those persons provided for in Section 3 of this act. Provided, however, nothing in this section shall prevent one from possessing a .22 caliber rimfire rifle or .22 pistol and a light carried while in pursuit of furbearers with hounds during the legal, open furbearers season, while possessing a valid hunting license.

B. Any person may use a shotgun, using No. 6 size shot or smaller, longbow, light and a call for the purpose of hunting predatory animals provided that written permission is obtained from the local game warden for each twenty-four-hour period of hunting. Any gauge shotgun or caliber rifle may be used for the purpose of hunting coyotes and feral swine.
C. It shall be illegal to hunt from a boat with a firearm from sunset until one-half (1/2) hour before sunrise. This shall not pertain to hunting of waterfowl enroute from bank to blind with unloaded shotguns.

D. Except as otherwise provided for in this section, no person may harass, attempt to capture, capture, attempt to take or take, kill or attempt to kill any wildlife with the aid of any motor-driven land, air or water conveyance. A nonambulatory person may hunt from said conveyances any motor-driven land, air or water conveyance with written permission of the Director of Wildlife Conservation. A person may hunt from an air conveyance if issued a permit pursuant to Section 1 of this act 4-107.2 of this title. Nothing in this section shall prevent the use of motor-driven land or water conveyances for following dogs in the act of hunting, when use is restricted to public roads or waterways. Motor-driven land or water conveyances may be used on private property for following dogs in the act of hunting with the permission of the landowner or occupant.

E. Employees of the Oklahoma Department of Agriculture, Food, and Forestry Wildlife Services Division and the United States Department of Agriculture Wildlife Services while engaged in wildlife management activities for the protection of agriculture, property, human health and safety and natural resources shall be exempt from the provisions of this section.
F. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) for a first offense and not less than Five Hundred Dollars ($500.00) for a second offense or by imprisonment in the county jail for not less than ten (10) days nor more than one (1) year, or by confiscation pursuant to Section 5-402 of this title or by such fine, imprisonment and confiscation.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-135.2 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. Except during deer gun season, a private property landowner, lessee or their designated agent may control nuisance or damage by coyotes or feral swine without a permit as provided for in Section 4-135 of Title 29 of the Oklahoma Statutes during the day or night, and without limitation by statewide season regulations, bag limits or methods of taking to protect marketable agricultural crops, livestock or processed feed, seed or other materials used in the production of an agricultural commodity.

B. Notwithstanding the provisions of Section 5-203.1 of Title 29 of the Oklahoma Statutes, a landowner, lessee or designated agent of the landowner or lessee may use a headlight carried on the person, a vehicle with or without a mounted spotlight or night vision equipment while hunting at night. Nothing in this section
shall authorize the use of a headlight, night vision equipment or a spotlight from a public roadway.

C. Any person who has been convicted of, or pled guilty to, a violation of Section 5-203.1 or Section 5-411 of Title 29 of the Oklahoma Statutes within the previous three (3) years shall not control nuisance or damage by coyotes or feral swine at night.

SECTION 4. This act shall become effective November 1, 2020.

Passed the Senate the 11th day of March, 2020.

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Presiding Officer of the Senate

Passed the House of Representatives the ___ day of __________, 2020.

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Presiding Officer of the House of Representatives