SENATE FLOOR VERSION
February 24, 2020
As AMENDED

SENATE BILL NO. 1746

By: Murdock

[ nuisance wildlife - headlighting - coyote - 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, 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 and coyotes 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 and frogs by the use of a vehicle mounted spotlight or other powerful light at night, by what is commonly known as “headlighting”. 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. For the purpose of hunting coyotes, any gauge shotgun or caliber rifle may be used.

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
1. Include the hunting of waterfowl en route from bank to blind with unloaded shotguns.

2. 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 with written permission of the Director of Wildlife Conservation. A person may hunt from an air conveyance if issued a permit pursuant to Section 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.

3. 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.
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. This act shall become effective November 1, 2020.

COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
February 24, 2020 – DO PASS AS AMENDED