

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1068

By: Cleveland

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5  
6 AS INTRODUCED

7 An Act relating to feral swine; amending 2 O.S. 2011,  
8 Section 6-604, which relates to removal of feral  
9 swine; eliminating permit requirement to kill feral  
10 swine at night; authorizing the removal of feral  
11 swine under certain circumstances; authorizing the  
12 use of certain light devices except during deer  
13 season; requiring the Department of Wildlife  
14 Conservation to develop certain registration process;  
15 requiring information be submitted; providing time  
16 period for valid registration; amending 29 O.S. 2011,  
17 Section 4-135, which relates to permits to control  
18 nuisances; eliminating permit requirement to kill  
19 feral swine at night; amending 29 O.S. 2011, Section  
20 5-203.1, which relates to headlighting; permitting  
21 the use of certain lights to remove feral swine; and  
22 providing an effective date.  
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 2 O.S. 2011, 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~~ with permission of the  
5 landowner or lessee may remove feral swine from private property  
6 during nighttime hours after completing an online registration  
7 process on the Department of Wildlife and Conservation's website.  
8 Any person who attempts to remove feral swine pursuant to this  
9 subsection may use an illuminating source of light enhancement  
10 device designed to be carried on one's person, provided that no such  
11 device shall be used during designated deer hunting seasons as  
12 specified in rules promulgated by the Department of Wildlife  
13 Conservation. The Department shall develop an online registration  
14 process in which persons may register at any time before they  
15 attempt to remove feral swine pursuant to this subsection. The  
16 registrant shall submit the following information:

17        1. Name;

18        2. Contact information; and

19        3. Name and contact information of the landowner or lessee of  
20 the private land in which the registrant intends to remove feral  
21 swine.

22 The registrant shall only attempt to remove feral swine for up to  
23 twelve (12) hours after completing the online registration and shall  
24 complete another registration thereafter. There shall be no limit

1 on the amount of times a registrant may complete the registration  
2 process.

3 SECTION 2. AMENDATORY 29 O.S. 2011, Section 4-135, is  
4 amended to read as follows:

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

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

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

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

14 E. Notwithstanding the provisions of Section 1289.13 of Title  
15 21 of the Oklahoma Statutes, it shall be lawful for any private  
16 landowner or designated employee of the landowner or lessee to have  
17 a chamber-loaded firearm on property owned by the landowner, and to  
18 use the firearm for the purpose of controlling nuisance or damage by  
19 any wildlife or feral swine. Nothing in this section shall  
20 authorize any convicted felon to carry a firearm.

21 SECTION 3. AMENDATORY 29 O.S. 2011, Section 5-203.1, is  
22 amended to read as follows:

23 Section 5-203.1 A. No person may attempt to take, take,  
24 attempt to catch, catch, attempt to capture, capture, attempt to

1 kill, or kill any deer, feral animal or other wildlife except feral  
2 swine as provided by Section 6-604 of this title, fish and frogs by  
3 the use of a vehicle mounted spotlight or other powerful light at  
4 night, by what is commonly known as "headlighting". Provided,  
5 however, nothing in this section shall prevent one from possessing a  
6 .22 caliber rimfire rifle or .22 pistol and a light carried while in  
7 pursuit of furbearers with hounds during the legal, open furbearers  
8 season, while possessing a valid hunting license.

9 B. Any person may use a shotgun, using No. 6 size shot or  
10 smaller, longbow, light and a call for the purpose of hunting  
11 predatory animals, provided that written permission is obtained from  
12 the local game warden for each twenty-four-hour period of hunting.

13 C. It shall be illegal to hunt from a boat with a firearm from  
14 sunset until one-half (1/2) hour before sunrise. This shall not  
15 pertain to hunting of waterfowl enroute from bank to blind with  
16 unloaded shotguns.

17 D. Except as otherwise provided for in this section, no person  
18 may harass, attempt to capture, capture, attempt to take or take,  
19 kill or attempt to kill any wildlife with the aid of any motor-  
20 driven land, air or water conveyance. A nonambulatory person may  
21 hunt from said conveyances with written permission of the Director  
22 of Wildlife Conservation. A person may hunt from an air conveyance  
23 if issued a permit pursuant to Section ~~±~~ 4-107.2 of this ~~act~~ title.  
24 Nothing in this section shall prevent the use of motor-driven land

1 or water conveyances for following dogs in the act of hunting, when  
2 use is restricted to public roads or waterways. Motor-driven land  
3 or water conveyances may be used on private property for following  
4 dogs in the act of hunting with the permission of the landowner or  
5 occupant.

6 E. Employees of the Oklahoma Department of Agriculture, Food,  
7 and Forestry Wildlife Services Division and the United States  
8 Department of Agriculture Wildlife Services while engaged in  
9 wildlife management activities for the protection of agriculture,  
10 property, human health and safety and natural resources shall be  
11 exempt from the provisions of this section.

12 F. Any person convicted of violating the provisions of this  
13 section shall be guilty of a misdemeanor and shall be punished by a  
14 fine of not less than Two Hundred Fifty Dollars (\$250.00) for a  
15 first offense and not less than Five Hundred Dollars (\$500.00) for a  
16 second offense or by imprisonment in the county jail for not less  
17 than ten (10) days nor more than one (1) year, or by confiscation  
18 pursuant to Section 5-402 of this title or by such fine,  
19 imprisonment and confiscation.

20 SECTION 4. This act shall become effective November 1, 2015.

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