

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1068

By: Cleveland

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8 COMMITTEE SUBSTITUTE

9 An Act relating to feral swine; amending 2 O.S. 2011,
10 Section 6-604, which relates to removal of feral
11 swine; eliminating permit requirement to kill feral
12 swine at night; authorizing the removal of feral
13 swine under certain circumstances; authorizing the
14 use of motor-driven land conveyance and headlights;
15 prohibiting hunting from a running motor-driven land
16 conveyance; prohibiting the removal of feral swine
17 during deer season; requiring the Department of
18 Wildlife Conservation to develop certain online
19 permitting process; requiring information be
20 submitted; providing time period for inspection and
21 issuance of a permit; providing time period for a
22 permit; providing for authorization of certain number
23 of individuals; directing the Wildlife Conservation
24 Commission to establish fees for the permit;
providing for distribution of fee; directing
Commission to establish a permitting process and fee
and permits used on certain lands; amending 29 O.S.
2011, Section 4-135, which relates to permits to
control nuisances; eliminating permit requirement to
kill feral swine at night; amending 29 O.S. 2011,
Section 5-203.1, which relates to headlighting;
permitting the use of certain lights to remove feral
swine; and providing an effective date.

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

1 SECTION 1. AMENDATORY 2 O.S. 2011, Section 6-604, is
2 amended to read as follows:

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

7 B. Any person ~~who intends to kill or attempt to kill feral~~
8 ~~swine at night shall obtain a permit issued by the Department of~~
9 ~~Wildlife Conservation pursuant to Section 4-135 of Title 29 of the~~
10 ~~Oklahoma Statutes and promulgated rules~~ with permission of the
11 landowner may remove feral swine from private property during
12 nighttime hours with a firearm after completing an online permitting
13 process available on the website of the Department of Wildlife
14 Conservation and receiving a permit. Any person who attempts to
15 remove feral swine pursuant to this subsection may use a motor-
16 driven land conveyance to pursue or follow feral swine and may use a
17 vehicle-mounted spotlight or other powerful light also known as a
18 headlight. A person shall not hunt or attempt to hunt feral swine
19 pursuant to this subsection from a motor-driven land conveyance
20 while the motor is still running. A person shall not attempt to
21 remove feral swine pursuant to this subsection during designated
22 deer hunting seasons as specified in rules promulgated by the
23 Wildlife Conservation Commission.

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1 C. The Department shall develop an online permitting process in
2 which persons may apply for a permit at any time before they attempt
3 to remove feral swine at night. The registrant shall submit the
4 following information:

5 1. Name;

6 2. Contact information and emergency contact information;

7 3. Proof of a valid hunting license; and

8 4. Name and contact information of the landowner of the private
9 land on which the registrant intends to remove feral swine, proof of
10 approval from the landowner and a legal description of the private
11 land.

12 The game warden may inspect the land on which the registrant intends
13 to remove feral swine. The permit shall be issued or denied within
14 ten (10) days after the online permit form is submitted. The permit
15 shall be valid for a period from January 16 through September 30 of
16 the year in which the permit was issued. The registrant may apply
17 for another permit upon expiration of a permit. There shall be no
18 limit on the number of permits a registrant may receive.

19 D. Each permit shall authorize a maximum of ten individuals to
20 remove feral swine from the private property. Each authorized
21 individual shall possess a valid hunting license.

22 E. The Commission shall establish fees for the nighttime feral
23 swine permit issued pursuant to this section in an amount of not
24 more than Twenty-five Dollars (\$25.00) for a maximum of five

1 authorized individuals and not more than Fifty Dollars (\$50.00) for
2 a maximum of ten authorized individuals. All monies received from
3 the permit fees shall be divided between the Department and the
4 county sheriff department of the county in which the land is located
5 as follows:

6 1. Seventy-five percent (75%) which shall be deposited in the
7 State Wildlife Conservation Fund; and

8 2. Twenty-five percent (25%) which shall be deposited in the
9 Sheriff's Service Fee Account.

10 F. The Commission shall establish an online permitting process
11 and fee for a nighttime feral swine hunting permit for individuals
12 taking feral swine located on land which is a part of a licensed
13 commercial hunting area which is different from the permit issued
14 pursuant to subsection C of this section.

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

17 Section 4-135. A. The Department of Wildlife Conservation is
18 authorized to issue permits to landowners, lessees, or their
19 designated agents and to any entity of state, county, or local
20 government to control nuisance or damage by any species of wildlife
21 including, but not limited to, beaver, coyote, deer, bobcat,
22 raccoon, and crow under rules promulgated by the Oklahoma Wildlife
23 Conservation Commission. The permits may be issued without
24 limitation by statewide season regulations, bag limits or methods of

1 taking. A permitted landowner, lessee or a designated agent of the
2 landowner or lessee may, with a valid permit issued pursuant to this
3 section, control the wildlife specified in this subsection ~~and feral~~
4 ~~swine~~ at night to protect marketable agricultural crops, livestock,
5 or processed feed, seed or other materials used in the production of
6 an agricultural commodity.

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

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

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

3 E. Notwithstanding the provisions of Section 1289.13 of Title
4 21 of the Oklahoma Statutes, it shall be lawful for any private
5 landowner or designated employee of the landowner or lessee to have
6 a chamber-loaded firearm on property owned by the landowner, and to
7 use the firearm for the purpose of controlling nuisance or damage by
8 any wildlife or feral swine. Nothing in this section shall
9 authorize any convicted felon to carry a firearm.

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

12 Section 5-203.1 A. No person may attempt to take, take,
13 attempt to catch, catch, attempt to capture, capture, attempt to
14 kill, or kill any deer, feral animal or other wildlife except feral
15 swine as provided by Section 6-604 of Title 2 of the Oklahoma
16 Statutes, fish and frogs by the use of a vehicle-mounted spotlight
17 or other powerful light at night, by what is commonly known as
18 "headlighting". Provided, however, nothing in this section shall
19 prevent one from possessing a .22 caliber rimfire rifle or .22
20 pistol and a light carried while in pursuit of furbearers with
21 hounds during the legal, open furbearers season, while possessing a
22 valid hunting license.

23 B. Any person may use a shotgun, using No. 6 size shot or
24 smaller, longbow, light and a call for the purpose of hunting

1 predatory animals, provided that written permission is obtained from
2 the local game warden for each twenty-four-hour period of hunting.

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

7 D. Except as otherwise provided for in this section and Section
8 6-604 of Title 2 of the Oklahoma Statutes, no person may harass,
9 attempt to capture, capture, attempt to take or take, kill or
10 attempt to kill any wildlife with the aid of any motor-driven land,
11 air or water conveyance. A nonambulatory person may hunt from said
12 conveyances with written permission of the Director of Wildlife
13 Conservation. A person may hunt from an air conveyance if issued a
14 permit pursuant to Section ~~4~~ 4-107.2 of this ~~act~~ title. Nothing in
15 this section shall prevent the use of motor-driven land or water
16 conveyances for following dogs in the act of hunting, when use is
17 restricted to public roads or waterways. Motor-driven land or water
18 conveyances may be used on private property for following dogs in
19 the act of hunting with the permission of the landowner or occupant.

20 E. Employees of the Oklahoma Department of Agriculture, Food,
21 and Forestry Wildlife Services Division and the United States
22 Department of Agriculture Wildlife Services while engaged in
23 wildlife management activities for the protection of agriculture,
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1 property, human health and safety and natural resources shall be
2 exempt from the provisions of this section.

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

11 SECTION 4. This act shall become effective November 1, 2016.

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