

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1651

By: Dunlap and Vaughan of the
House

4 and

5 Fields of the Senate

6
7
8 An Act relating to game and fish; amending 29 O.S.
9 2011, Section 5-201, as amended by Section 2,
10 Chapter 294, O.S.L. 2012 (29 O.S. Supp. 2014, Section
11 5-201), which relates to the means of taking
wildlife; adding exotic wildlife to list of wildlife
that may not be taken by certain prohibited means;
and providing an effective date.

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14 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

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16 "An Act relating to game and fish; amending 29 O.S.
17 2011, Section 5-201, as amended by Section 2, Chapter
18 294, O.S.L. 2012 (29 O.S. Supp. 2014, Section 5-201),
19 which relates to the means of taking wildlife; adding
20 exotic wildlife to list of wildlife that may not be
taken by certain prohibited means; providing certain
exception; and providing an effective date.

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

22 SECTION 1. AMENDATORY 29 O.S. 2011, Section 5-201, as
23 amended by Section 2, Chapter 294, O.S.L. 2012 (29 O.S. Supp. 2014,
24 Section 5-201), is amended to read as follows:

1 Section 5-201. A. Except as otherwise provided for in this
2 section, no person may utilize at any time, for the purpose of
3 killing or capturing any game mammal, game bird ~~or~~, nongame bird or
4 exotic wildlife, the following means:

5 1. Any trap, net, snare, cage, pitfall, baited hook or similar
6 device;

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

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

10 4. Any device which generates electricity; or

11 5. Any device which noticeably suppresses noise from a firearm,
12 commonly known as a suppressor.

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

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

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

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

24

1 2. Any person, group or governmental agency the Director may by
2 written permit authorize, where any species of nongame birds are
3 causing a nuisance or undue economic loss, as may be determined by
4 the Director. Such permit shall state the method of control and
5 specific procedures and conditions as may be deemed appropriate by
6 the Director;

7 3. Any person possessing a scientific purposes license under
8 Section 4-118 of this title; ~~or~~

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

14 5. Any person using non-lethal, non-chemical capture or
15 restraint of animals on licensed commercial hunt areas for
16 management, viewing or photographic purposes.

17 E. 1. The following persons shall be exempt from the
18 prohibition specified in paragraph 5 of subsection A of this
19 section:

20 a. any person hunting on property owned by the person,
21 and

22 b. any guest or other person hunting on property with the
23 permission of the owner of the property.

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1 2. Nothing in this subsection shall be construed to exempt any
2 person from the requirements and provisions of the National Firearms
3 Act and regulations and tax requirements for lawful use of a weapon
4 as described in paragraph 5 of subsection A of this section.

5 F. A person shall be exempt from the prohibition in subsection
6 B of this section if the person is permanently physically disabled
7 so that the person is physically incapable of using a firearm,
8 crossbow, or conventional bow as certified in writing by a physician
9 licensed to practice medicine. A person who has received
10 certification as provided for in this paragraph shall have in their
11 possession written evidence of the certification while in the field
12 hunting.

13 G. A person shall be exempt from the prohibition in subsection
14 C of this section if the person is engaged in providing facilities
15 for, assisting in, selling, or offering for sale a computer-assisted
16 remote control hunting activity for a person who is physically
17 disabled as described in subsection F of this section. The
18 physically disabled person shall be physically present where the
19 hunting activity is occurring and be in control and operating the
20 computer-assisted remote control means to take wildlife or exotic
21 wildlife.

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

3 2. Any person convicted of violating the provisions of
4 subsection B or C of this section shall be punished by a fine of not
5 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
6 Hundred Dollars (\$500.00) or by imprisonment in the county jail not
7 exceeding one (1) year, or by both the fine and imprisonment. In
8 addition, the court may order that the hunting or fishing license
9 and privileges of any person convicted of violating the provisions
10 of subsection B or C of this section be revoked for a period of not
11 less than one (1) year but not exceeding five (5) years. The cost
12 of reinstating a hunting or fishing license revoked pursuant to this
13 subsection for residents shall be Two Hundred Dollars (\$200.00) for
14 each license and for nonresidents shall be Five Hundred Dollars
15 (\$500.00) for each license. The reinstatement fee shall be in
16 addition to any other fees required for the hunting or fishing
17 license.

18 3. Any person convicted of a wildlife offense which involves a
19 species of wildlife listed in Section 5-411 of this title, involves
20 a species of wildlife referenced in Section 5-412 of this title or
21 involves the unlawful possession, taking or killing of the wildlife
22 from an unlawful hunt, chase, trap, capture, shooting, killing or
23 slaughter while using a suppressed firearm during the commission of
24 the wildlife offense, in addition to any other penalty otherwise

1 provided for in law, shall be punished by a fine of not less than
2 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars
3 (\$1,000.00) or by imprisonment in the county jail not exceeding one
4 (1) year, or by both the fine and imprisonment. In addition, the
5 court may order that the hunting or fishing license and privileges
6 of the person be revoked for a period of not less than one (1) year
7 but not exceeding five (5) years.

8 SECTION 2. This act shall become effective November 1, 2015."
9 Passed the Senate the 14th day of April, 2015.

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11 _____
12 Presiding Officer of the Senate

13 Passed the House of Representatives the ____ day of _____,
14 2015.

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17 Presiding Officer of the House
18 of Representatives
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2 BILL NO. 1651

By: Dunlap and Vaughan of the
House

3 and

4 Fields of the Senate
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10 Chapter 294, O.S.L. 2012 (29 O.S. Supp. 2014, Section
11 5-201), which relates to the means of taking
wildlife; adding exotic wildlife to list of wildlife
that may not be taken by certain prohibited means;
and providing an effective date.

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

15 SECTION 3. AMENDATORY 29 O.S. 2011, Section 5-201, as
16 amended by Section 2, Chapter 294, O.S.L. 2012 (29 O.S. Supp. 2014,
17 Section 5-201), is amended to read as follows:

18 Section 5-201. A. Except as otherwise provided for in this
19 section, no person may utilize at any time, for the purpose of
20 killing or capturing any game mammal, game bird ~~or~~, nongame bird or
21 exotic wildlife, the following means:

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23 device;

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

3 4. Any device which generates electricity; or

4 5. Any device which noticeably suppresses noise from a firearm,
5 commonly known as a suppressor.

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

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

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

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16 when capturing wildlife for propagation or management purposes;

17 2. Any person, group or governmental agency the Director may by
18 written permit authorize, where any species of nongame birds are
19 causing a nuisance or undue economic loss, as may be determined by
20 the Director. Such permit shall state the method of control and
21 specific procedures and conditions as may be deemed appropriate by
22 the Director;

23 3. Any person possessing a scientific purposes license under
24 Section 4-118 of this title; or

1 4. Employees of the Oklahoma Department of Agriculture, Food,
2 and Forestry Wildlife Services Division and the United States
3 Department of Agriculture Wildlife Services while engaged in
4 wildlife management activities for the protection of agriculture,
5 property, human health and safety and natural resources.

6 E. 1. The following persons shall be exempt from the
7 prohibition specified in paragraph 5 of subsection A of this
8 section:

9 a. any person hunting on property owned by the person,
10 and

11 b. any guest or other person hunting on property with the
12 permission of the owner of the property.

13 2. Nothing in this subsection shall be construed to exempt any
14 person from the requirements and provisions of the National Firearms
15 Act and regulations and tax requirements for lawful use of a weapon
16 as described in paragraph 5 of subsection A of this section.

17 F. A person shall be exempt from the prohibition in subsection
18 B of this section if the person is permanently physically disabled
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20 crossbow, or conventional bow as certified in writing by a physician
21 licensed to practice medicine. A person who has received
22 certification as provided for in this paragraph shall have in their
23 possession written evidence of the certification while in the field
24 hunting.

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

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

14 2. Any person convicted of violating the provisions of
15 subsection B or C of this section shall be punished by a fine of not
16 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
17 Hundred Dollars (\$500.00) or by imprisonment in the county jail not
18 exceeding one (1) year, or by both the fine and imprisonment. In
19 addition, the court may order that the hunting or fishing license
20 and privileges of any person convicted of violating the provisions
21 of subsection B or C of this section be revoked for a period of not
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23 of reinstating a hunting or fishing license revoked pursuant to this
24 subsection for residents shall be Two Hundred Dollars (\$200.00) for

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4 license.

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

19 SECTION 4. This act shall become effective November 1, 2015.
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1 Passed the House of Representatives the 25th day of February,
2015.

4 _____
Presiding Officer of the House
of Representatives

6 Passed the Senate the ___ day of _____, 2015.

8 _____
Presiding Officer of the Senate