

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 615

By: Dahm, Brecheen and  
Bergstrom of the Senate

6 and

7 Roberts (Sean) of the House

8  
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to game and fish; amending 2 O.S.  
11 2011, Section 6-604, which relates to the removal of  
12 feral swine; exempting persons who remove feral swine  
13 from the requirement to obtain a license; allowing  
14 for use of certain technology; specifying methods for  
15 notice; providing for removal of feral swine from  
16 certain public lands; authorizing administrative  
17 rules; amending 29 O.S. 2011, Section 2-138, which  
18 relates to the Oklahoma Wildlife Conservation Code;  
19 amending definition; amending 29 O.S. 2011, Section  
20 4-135, which relates to permits to control nuisance  
21 or damage by wildlife; clarifying statutory language;  
22 modifying provisions related to authorized use of  
23 firearms for certain purposes; amending 29 O.S. 2011,  
24 Section 5-203.1, which relates to headlighting;  
allowing for headlighting to be used to take feral  
swine; updating language; repealing 2 O.S. 2011,  
Section 6-605, which relates to the Feral Swine  
Control Act; and providing an effective date.

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:

1 Section 6-604. A. Except as otherwise specified in the Feral  
2 Swine Control Act, any person with permission of the private  
3 property owner, lessee or occupant of land may remove feral swine  
4 from private ~~or public~~ property during daylight hours or at night.  
5 Any person who removes feral swine pursuant to this subsection shall  
6 not be required to obtain a license or permit to hunt or control  
7 wildlife issued by the Department of Wildlife Conservation. Any  
8 person who removes or attempts to remove feral swine pursuant to  
9 this subsection may use a motor-driven land conveyance to pursue or  
10 follow feral swine, may use a vehicle-mounted spotlight or other  
11 powerful light also known as a headlight and may use night-vision  
12 equipment that uses either image-enhancement technology or thermal-  
13 imaging technology.

14 B. Any person ~~who intends to kill or attempt to kill~~ may remove  
15 or attempt to remove feral swine ~~at night shall obtain a permit~~  
16 ~~issued~~ from public land controlled or managed by the Department of  
17 Wildlife Conservation ~~pursuant to Section 4-135 of Title 29 of the~~  
18 ~~Oklahoma Statutes and~~ as specified in rules promulgated ~~rules~~ by the  
19 Department.

20 SECTION 2. AMENDATORY 29 O.S. 2011, Section 2-138, is  
21 amended to read as follows:

22 Section 2-138. "Resident" is any individual who has an  
23 established bona fide or actual residence in Oklahoma for a period  
24 of not less than sixty (60) consecutive days immediately preceding

1 the date the application for a license, permit, stamp, or any other  
2 issue of the Department is submitted. The burden of establishing  
3 proof of residency shall be on the person claiming residency status.  
4 A person holding a valid driver license or permit to operate a motor  
5 vehicle shall be deemed to be a resident of the state issuing the  
6 license or permit. For a valid Oklahoma driver license to be used  
7 as the sole source of proof of residency, it shall have been issued  
8 not less than sixty (60) days prior to submission of the  
9 application. If a person does not hold a valid Oklahoma driver  
10 license, the Department may consider other reliable documentation  
11 for establishing proof of residency including, but not limited to,  
12 property tax receipts, resident income tax returns, voter  
13 registration, motor vehicle or vessel registrations, and other  
14 public records documenting residence. Residency status of children  
15 under eighteen (18) years of age is presumed to be that of the  
16 custodial parent, including a custodial parent when there is a joint  
17 custody order and the physical custody of the child is shared by  
18 both parents, or legal guardian unless otherwise documented.  
19 Ownership or possession of real property in the state by a person  
20 residing outside the state shall not qualify the person as a  
21 resident. A person shall not be entitled to claim multiple states  
22 of residence, except as follows:  
23 1. A person who is not otherwise a resident of the state and is  
24 a member of the Armed Forces of the United States and is on active

1 duty and permanently assigned to a military installation located in  
2 the state shall be eligible to qualify as a resident if the person  
3 presents with the license application a certificate of assignment in  
4 the state from a commanding officer or designated representative. A  
5 spouse or dependent of the person who is not otherwise a resident of  
6 the state, is living within the same household and is similarly  
7 certified by a commanding officer, shall also be eligible to qualify  
8 as a resident;

9       2. The residency of a person shall not terminate upon entering  
10 the Armed Forces of the United States. A member of the Armed Forces  
11 of the United States on active duty, and any dependents of the  
12 member, is presumed to retain residency status in the state for  
13 purposes of purchasing any annual license issued by the Department  
14 of Wildlife Conservation as long as the member is on active duty as  
15 verified by valid military documentation; and

16       3. The residency status of any person, excluding a member of  
17 the Armed Forces of the United States while on active duty as  
18 verified by valid military documentation and any dependents of the  
19 member, shall terminate if the person obtains any resident hunting,  
20 fishing, trapping license or permit or valid driver license issued  
21 by another state.

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

24

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

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

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

1 use of a headlight mounted on a vehicle or the use of a headlight  
2 from a public roadway.

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

12 ~~E. Notwithstanding the provisions of Section 1289.13 of Title~~  
13 ~~21 of the Oklahoma Statutes, it shall be lawful for any private~~  
14 ~~landowner or designated employee of the landowner or lessee to have~~  
15 ~~a chamber-loaded firearm on property owned by the landowner, and to~~  
16 ~~use the firearm for the purpose of controlling nuisance or damage by~~  
17 ~~any wildlife or feral swine. Nothing in this section shall~~  
18 ~~authorize any convicted felon to carry a firearm.~~

19 SECTION 4. AMENDATORY 29 O.S. 2011, Section 5-203.1, is  
20 amended to read as follows:

21 Section 5-203.1. A. No person may attempt to take, take,  
22 attempt to catch, catch, attempt to capture, capture, attempt to  
23 kill, or kill any deer, feral animal or other wildlife except fish  
24 and, frogs and feral swine as provided for in Section 6-604 of Title

1 2 of the Oklahoma Statutes by the use of a vehicle mounted spotlight  
2 or other powerful light at night, by what is commonly known as  
3 "headlighting". Provided, however, nothing in this section shall  
4 prevent one from possessing a .22 caliber rimfire rifle or .22  
5 pistol and a light carried while in pursuit of furbearers with  
6 hounds during the legal, open furbearers season, while possessing a  
7 valid hunting license.

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

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

16 D. Except as otherwise provided for in this section and except  
17 when removing feral swine as provided for in Section 6-604 of Title  
18 2 of the Oklahoma Statutes, no person may harass, attempt to  
19 capture, capture, attempt to take or take, kill or attempt to kill  
20 any wildlife with the aid of any motor-driven land, air or water  
21 conveyance. A nonambulatory person may hunt from ~~said~~ the  
22 conveyances with written permission of the Director of Wildlife  
23 Conservation. A person may hunt from an air conveyance if issued a  
24 permit pursuant to Section ~~±~~ 4-107.2 of this ~~act~~ title. Nothing in

1 this section shall prevent the use of motor-driven land or water  
2 conveyances for following dogs in the act of hunting, when use is  
3 restricted to public roads or waterways. Motor-driven land or water  
4 conveyances may be used on private property for following dogs in  
5 the act of hunting with the permission of the landowner or 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 5. REPEALER 2 O.S. 2011, Section 6-605, is  
21 hereby repealed.

22 SECTION 6. This act shall become effective November 1, 2017.

23  
24 56-1-1853 QD 5/22/2017 10:01:47 AM