

1 **SENATE FLOOR VERSION**

2 February 28, 2017

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 615

6 By: Dahm

7 [hunting permits - feral swine - Oklahoma Wildlife
8 Conservation Code - control nuisance or damage by
9 wildlife - repealer - effective date]

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

14 Section 6-604. A. Except as otherwise specified in the Feral
15 Swine Control Act, any person with permission of the private
16 property owner, lessee or occupant of land may remove feral swine
17 from private ~~or public~~ property during daylight hours or at night.

18 Any person who removes feral swine pursuant to this section shall
19 not be required to obtain a license or permit to hunt or control

20 wildlife issued by the Department of Wildlife Conservation. Any

21 person who removes or attempts to remove feral swine pursuant to

22 this section may use a motor-driven land conveyance to pursue or

23 follow feral swine, may use a vehicle-mounted spotlight or other

24 powerful light also known as a headlight and may use night-vision

1 equipment that uses either image-enhancement technology or thermal-
2 imaging technology.

3 B. Any person may remove feral swine from public property
4 during daylight hours without being required to obtain a license or
5 permit to hunt or control wildlife issued by the Department of
6 Wildlife Conservation, except during deer gun season. Any person
7 who intends to kill or attempt to kill feral swine on public
8 property 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.

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

13 Section 2-138. "Resident" is any individual who has an
14 established bona fide or actual residence in Oklahoma for a period
15 of not less than sixty (60) consecutive days immediately preceding
16 the date the application for a license, permit, stamp, or any other
17 issue of the Department is submitted. The burden of establishing
18 proof of residency shall be on the person claiming residency status.
19 A person holding a valid driver license or permit to operate a motor
20 vehicle shall be deemed to be a resident of the state issuing the
21 license or permit. For a valid Oklahoma driver license to be used
22 as the sole source of proof of residency, it shall have been issued
23 not less than sixty (60) days prior to submission of the
24 application. If a person does not hold a valid Oklahoma driver

1 license, the Department may consider other reliable documentation
2 for establishing proof of residency including, but not limited to,
3 property tax receipts, resident income tax returns, voter
4 registration, motor vehicle or vessel registrations, and other
5 public records documenting residence. Residency status of children
6 under eighteen (18) years of age is presumed to be that of the
7 custodial parent, including a custodial parent when there is a joint
8 custody order and the physical custody of the child is shared by
9 both parents, or legal guardian unless otherwise documented.

10 Ownership or possession of real property in the state by a person
11 residing outside the state shall not qualify the person as a
12 resident. A person shall not be entitled to claim multiple states
13 of residence, except as follows:

14 1. A person who is not otherwise a resident of the state and is
15 a member of the Armed Forces of the United States and is on active
16 duty and permanently assigned to a military installation located in
17 the state shall be eligible to qualify as a resident if the person
18 presents with the license application a certificate of assignment in
19 the state from a commanding officer or designated representative. A
20 spouse or dependent of the person who is not otherwise a resident of
21 the state, is living within the same household and is similarly
22 certified by a commanding officer, shall also be eligible to qualify
23 as a resident;

1 2. The residency of a person shall not terminate upon entering
2 the Armed Forces of the United States. A member of the Armed Forces
3 of the United States on active duty, and any dependents of the
4 member, is presumed to retain residency status in the state for
5 purposes of purchasing any annual license issued by the Department
6 of Wildlife Conservation as long as the member is on active duty as
7 verified by valid military documentation; and

8 3. The residency status of any person, excluding a member of
9 the Armed Forces of the United States while on active duty as
10 verified by valid military documentation and any dependents of the
11 member, shall terminate if the person obtains any resident hunting,
12 fishing, trapping license or permit or valid driver license issued
13 by another state.

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

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

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

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

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

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

1 E. Notwithstanding the provisions of Section 1289.13 of Title
2 21 of the Oklahoma Statutes, it shall be lawful for any private
3 landowner or designated employee of the landowner or lessee to have
4 a chamber-loaded firearm on property owned by the landowner, and to
5 use the firearm for the purpose of controlling nuisance or damage by
6 any wildlife or feral swine. Nothing in this section shall
7 authorize any convicted felon to carry a firearm.

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

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

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

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

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

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

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

9 SECTION 5. REPEALER 2 O.S. 2011, Section 6-605, is
10 hereby repealed.

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

12 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
13 February 28, 2017 - DO PASS AS AMENDED
14
15
16
17
18
19
20
21
22
23
24