

1 ENGROSSED SENATE
2 BILL NO. 879

By: Allen of the Senate

3 and

4 Tadlock of the House

5
6 An Act relating to trapping; amending 29 O.S. 2011,
7 Section 5-201, as last amended by Section 2, Chapter
8 165, O.S.L. 2016 (29 O.S. Supp. 2018, Section 5-201),
9 which relates to the means of taking wildlife; adding
10 exception; amending 29 O.S. 2011, Section 5-405,
11 which relates to furbearers; providing for trapping
12 pursuant to rules promulgated by the Commission;
13 removing exception; removing requirement to sell or
14 dispose of pelts in a certain amount of time;
15 repealing 29 O.S. 2011, Sections 5-501, as amended by
16 Section 2, Chapter 132, O.S.L. 2015 and 5-502, as
17 last amended by Section 3, Chapter 132, O.S.L. 2015
18 (29 O.S. Supp. 2018, Sections 5-501 and 5-502), which
19 relate to permission to trap on inhabited lands and
20 trapping devices; 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 last amended by Section 2, Chapter 165, O.S.L. 2016 (29 O.S. Supp.
24 2018, Section 5-201), is amended to read as follows:

Section 5-201. A. Except as otherwise provided for in this
section or in rules promulgated by the Wildlife Conservation
Commission, no person may utilize at any time, for the purpose of
killing or capturing any game mammal, game bird, nongame bird or
exotic wildlife, the following means:

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

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

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

6 4. Any device which generates electricity; or

7 5. Any device which noticeably suppresses noise from a firearm,
8 commonly known as a suppressor or silencer unless it is registered
9 in compliance with the requirements of federal law.

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

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

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

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

21 2. Any person, group or governmental agency the Director may by
22 written permit authorize, where any species of nongame birds are
23 causing a nuisance or undue economic loss, as may be determined by
24 the Director. Such permit shall state the method of control and

1 specific procedures and conditions as may be deemed appropriate by
2 the Director;

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

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

10 5. Any person using nonlethal, nonchemical capture or restraint
11 of animals on licensed commercial hunt areas for management, viewing
12 or photographic purposes.

13 E. Nothing in this section shall be construed to exempt any
14 person using a device as described in paragraph 5 of subsection A of
15 this section from the requirements and provisions of federal law,
16 federal regulations and federal tax requirements for lawful use of
17 the device.

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

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

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

16 2. Any person convicted of violating the provisions of
17 subsection B or C of this section shall be punished by a fine of not
18 less than Two Hundred Fifty Dollars (\$250.00) nor more than Five
19 Hundred Dollars (\$500.00) or by imprisonment in the county jail not
20 exceeding one (1) year, or by both the fine and imprisonment. In
21 addition, the court may order that the hunting or fishing license
22 and privileges of any person convicted of violating the provisions
23 of subsection B or C of this section be revoked for a period of not
24 less than one (1) year but not exceeding five (5) years. The cost

1 of reinstating a hunting or fishing license revoked pursuant to this
2 subsection for residents shall be Two Hundred Dollars (\$200.00) for
3 each license and for nonresidents shall be Five Hundred Dollars
4 (\$500.00) for each license. The reinstatement fee shall be in
5 addition to any other fees required for the hunting or fishing
6 license.

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

21 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-405, is
22 amended to read as follows:

23 Section 5-405. A. ~~Except as otherwise provided, no person may~~
24 ~~hunt, kill, capture or otherwise take or destroy any furbearer,~~

1 ~~except from the first day of December to the last day of February,~~
2 ~~both dates inclusive~~ A person can hunt, kill, capture or otherwise
3 take or destroy any furbearer pursuant to this section or pursuant
4 to rules promulgated by the Wildlife Conservation Commission.

5 B. ~~Any person who takes a pelt or pelts during the season shall~~
6 ~~have ten (10) working days after the close of the season to sell or~~
7 ~~dispose of the pelts or to provide written notification to the~~
8 ~~Department of Wildlife Conservation that the person intends to hold~~
9 ~~the pelts for later sale. Written notification shall be made on a~~
10 ~~form prescribed by the Department.~~

11 ~~C.~~ Nothing contained in these provisions shall prevent the
12 killing of furbearers actually found destroying livestock, poultry
13 or exotic livestock, nor the running or chasing of fox, bobcat and
14 raccoon with dogs for sport only. For purposes of this section, the
15 term "exotic livestock" means commercially raised exotic livestock
16 including animals of the families bovidae, cervidae and
17 antilocapridae or birds of the ratite group.

18 SECTION 3. REPEALER 29 O.S. 2011, Section 5-501, as
19 amended by Section 2, Chapter 132, O.S.L. 2015 (29 O.S. Supp. 2018,
20 Section 5-501), is hereby repealed.

21 SECTION 4. REPEALER 29 O.S. 2011, Section 5-502, as last
22 amended by Section 3, Chapter 132, O.S.L. 2015 (29 O.S. Supp. 2018,
23 Section 5-502), is hereby repealed.

24 SECTION 5. This act shall become effective November 1, 2019.

1 Passed the Senate the 13th day of March, 2019.

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3 Presiding Officer of the Senate
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5 Passed the House of Representatives the ____ day of _____,
6 2019.

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8 Presiding Officer of the House
9 of Representatives
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