

1 ENGROSSED SENATE
2 BILL NO. 772

By: Murdock of the Senate

and

Newton of the House

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6 An Act relating to hunting; amending 29 O.S. 2011,
7 Section 4-135, which relates to permits to control
8 nuisance wildlife; modifying language; requiring
9 certain written permission; amending 29 O.S. 2011,
10 Section 5-203.1, which relates to headlighting;
11 providing certain exception; updating statutory
12 references; deleting certain weapons and procedure;
13 increasing penalties; requiring confiscation upon
14 conviction; directing a district court to suspend,
15 revoke or deny a license upon request and conviction;
16 stating minimum and maximum period of suspension,
17 revocation or denial; providing for reinstatement;
18 setting fees; making reinstatement fees in addition
19 to other license fees; authorizing certain persons to
20 control nuisance coyotes or feral swine without a
21 permit; requiring agricultural exemption permit
22 issued by the Oklahoma Tax Commission for nuisance
23 control; providing exception for headlighting;
24 prohibiting nuisance control at night for persons
convicted within certain period of time; providing
for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-135, is
amended to read as follows:

Section 4-135. A. The Department of Wildlife Conservation is
authorized to issue permits to landowners, agricultural lessees, or
their designated agents with written permission of the landowner or

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

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

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

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

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

10 E. Notwithstanding the provisions of Section 1289.13 of Title
11 21 of the Oklahoma Statutes, it shall be lawful for any private
12 landowner or designated employee of the landowner or lessee to have
13 a chamber-loaded firearm on property owned by the landowner, and to
14 use the firearm for the purpose of controlling nuisance or damage by
15 any wildlife or feral swine. Nothing in this section shall
16 authorize any convicted felon to carry a firearm.

17 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-203.1, is
18 amended to read as follows:

19 Section 5-203.1. A. ~~No~~ Except as provided in Section 3 of this
20 act, no person may attempt to take, take, attempt to catch, catch,
21 attempt to capture, capture, attempt to kill, or kill any deer,
22 feral animal or other wildlife except fish and frogs by the use of a
23 ~~vehicle-mounted~~ vehicle-mounted spotlight or other powerful light at
24 night, by what is commonly known as "headlighting". Provided,

1 however, nothing in this section shall prevent one from possessing a
2 .22 caliber rimfire rifle or .22 pistol and a light carried while in
3 pursuit of furbearers with hounds during the legal, open furbearers
4 season, while possessing a valid hunting license.

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

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

13 ~~D.~~ C. Except as ~~otherwise~~ provided for in this section and in
14 Section 3 of this act, no person may harass, attempt to capture,
15 capture, attempt to take or take, kill or attempt to kill any
16 wildlife with the aid of any motor-driven land, air or water
17 conveyance. A nonambulatory person may hunt from said conveyances
18 with written permission of the Director of Wildlife Conservation. A
19 person may hunt from an air conveyance if issued a permit pursuant
20 to Section ~~4~~ 4-107.2 of this ~~act~~ title. Nothing in this section
21 shall prevent the use of motor-driven land or water conveyances for
22 following dogs in the act of hunting, when use is restricted to
23 public roads or waterways. Motor-driven land or water conveyances

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1 may be used on private property for following dogs in the act of
2 hunting with the permission of the landowner or occupant.

3 ~~E.~~ D. Employees of the Oklahoma Department of Agriculture,
4 Food, and Forestry Wildlife Services Division and the United States
5 Department of Agriculture Wildlife Services while engaged in
6 wildlife management activities for the protection of agriculture,
7 property, human health and safety and natural resources shall be
8 exempt from the provisions of this section.

9 ~~F.~~ E. Any person convicted of violating the provisions of this
10 section shall be guilty of a misdemeanor and shall be punished by a
11 fine of not less than ~~Two Hundred Fifty Dollars (\$250.00)~~ Two
12 Thousand Five hundred Dollars (\$2,500.00) for a first offense and
13 not less than ~~Five Hundred Dollars (\$500.00)~~ Five Thousand Dollars
14 (\$5,000.00) for a second offense or by imprisonment in the county
15 jail for not less than ten (10) days nor more than one (1) year, ~~or~~
16 and by confiscation pursuant to Section 5-402 of this title or by
17 such fine, imprisonment and confiscation.

18 F. A district court, upon request by the district attorney,
19 shall order the hunting and fishing license privileges of a person
20 convicted of a violation of this section suspended, revoked or
21 denied for a period of not less than six (6) months nor more than
22 ten (10) years. Upon completion of the period of suspension,
23 revocation or denial of licensure, the person may apply for a new
24 hunting or fishing license or request a reinstatement of a lifetime

1 license, if the person held a lifetime license. The person
2 applying for a new or reinstated license shall be required to pay a
3 reinstatement fee of Two Hundred Dollars (\$200.00) for residents of
4 this state and a reinstatement fee of Five Hundred Dollars
5 (\$500.00) for nonresidents. This fee shall be in addition to any
6 other fees required for the hunting and fishing license.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 4-135.2 of Title 29, unless
9 there is created a duplication in numbering, reads as follows:

10 A. Except during deer gun seasons, a landowner, agricultural
11 lessee or their designated agent with written permission from the
12 landowner or agricultural lessee may control nuisance or damage by
13 coyotes or feral swine without a permit as provided for in Section
14 4-135 of Title 29 of the Oklahoma Statutes during the day or night,
15 and without limitation by statewide season regulations or bag
16 limits, and with the use of any legal means of take, to protect
17 marketable agricultural crops, livestock or processed feed, seed or
18 other materials used in the production of an agricultural commodity.
19 Landowners or agricultural lessees performing nuisance control
20 activities shall be required to have a current agricultural
21 exemption permit issued by the Oklahoma Tax Commission.

22 B. Notwithstanding the provisions of Section 5-203.1 of Title
23 29 of the Oklahoma Statutes, a landowner, agricultural lessee or
24 designated agent of the landowner or lessee may use a headlight,

1 thermal or light enhancement device carried on the person, a vehicle
2 with or without a mounted spotlight or night vision equipment while
3 controlling nuisance coyotes and feral swine at night. Nothing in
4 this subsection shall authorize the use of a headlight, thermal or
5 night vision equipment or a spotlight from a public roadway.

6 C. Any person who has been convicted of, or pleads guilty to, a
7 violation of Section 5-203.1 of Title 29 of the Oklahoma Statutes or
8 Section 5-411 of Title 29 of the Oklahoma Statutes within a previous
9 three-year period shall not control nuisance or damage by coyotes or
10 feral swine at night.

11 SECTION 4. This act shall become effective November 1, 2021.

12 Passed the Senate the 8th day of March, 2021.

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Presiding Officer of the Senate

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16 Passed the House of Representatives the ____ day of _____,
17 2021.

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Presiding Officer of the House
of Representatives

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