

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 772

By: Murdock of the Senate

and

**Dempsey** and Newton of the  
House

7  
8  
9  
10                                   COMMITTEE SUBSTITUTE

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

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

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

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

1 C. Notwithstanding the provisions of Section 5-203.1 of this  
2 title, a landowner, agricultural lessee, or designated agent with  
3 written permission of the landowner ~~or lessee~~ and with a valid  
4 permit may use a headlight carried on the person while hunting at  
5 night. Nothing in this section shall authorize the use of a  
6 headlight mounted on a vehicle or the use of a headlight from a  
7 public roadway.

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

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

22 SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-203.1, is  
23 amended to read as follows:  
24

1 Section 5-203.1. A. ~~No~~ Except as provided in Section 3 of this  
2 act, no person may attempt to take, take, attempt to catch, catch,  
3 attempt to capture, capture, attempt to kill, or kill any deer,  
4 feral animal or other wildlife except fish and frogs by the use of a  
5 ~~vehicle mounted~~ vehicle-mounted spotlight or other powerful light at  
6 night, by what is commonly known as "headlighting". Provided,  
7 however, nothing in this section shall prevent one from possessing a  
8 .22 caliber rimfire rifle or .22 pistol and a light carried while in  
9 pursuit of furbearers with hounds during the legal, open furbearers  
10 season, while possessing a valid hunting license.

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

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

19 ~~D.~~ C. Except as ~~otherwise~~ provided for in this section and in  
20 Section 3 of this act, no person may harass, attempt to capture,  
21 capture, attempt to take or take, kill or attempt to kill any  
22 wildlife with the aid of any motor-driven land, air or water  
23 conveyance. A nonambulatory person may hunt from said conveyances  
24 with written permission of the Director of Wildlife Conservation. A

1 person may hunt from an air conveyance if issued a permit pursuant  
2 to Section ~~4~~ 4-107.2 of this ~~act~~ title. Nothing in this section  
3 shall prevent the use of motor-driven land or water conveyances for  
4 following dogs in the act of hunting, when use is restricted to  
5 public roads or waterways. Motor-driven land or water conveyances  
6 may be used on private property for following dogs in the act of  
7 hunting with the permission of the landowner or occupant.

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

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

23 F. A district court, upon request by the district attorney,  
24 shall order the hunting and fishing license privileges of a person

1 convicted of a violation of this section suspended, revoked or  
2 denied for a period of not less than six (6) months nor more than  
3 ten (10) years. Upon completion of the period of suspension,  
4 revocation or denial of licensure, the person may apply for a new  
5 hunting or fishing license or request a reinstatement of a lifetime  
6 license, if the person held a lifetime license. The person  
7 applying for a new or reinstated license shall be required to pay a  
8 reinstatement fee of Two Hundred Dollars (\$200.00) for residents of  
9 this state and a reinstatement fee of Five Hundred Dollars  
10 (\$500.00) for nonresidents. This fee shall be in addition to any  
11 other fees required for the hunting and fishing license.

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

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

1 activities shall be required to have a current agricultural  
2 exemption permit issued by the Oklahoma Tax Commission.

3 B. Notwithstanding the provisions of Section 5-203.1 of Title  
4 29 of the Oklahoma Statutes, a landowner, agricultural lessee or  
5 designated agent of the landowner or lessee may use a headlight,  
6 thermal or light enhancement device carried on the person, a vehicle  
7 with or without a mounted spotlight or night vision equipment while  
8 controlling nuisance coyotes and feral swine at night. Nothing in  
9 this subsection shall authorize the use of a headlight, thermal or  
10 night vision equipment or a spotlight from a public roadway.

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

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

17  
18 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 04/12/2021 - DO  
19 PASS, As Amended and Coauthored.  
20  
21  
22  
23  
24