

1 **SENATE FLOOR VERSION**

2 February 8, 2021

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 772

By: Murdock of the Senate

and

Newton of the House

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

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

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

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

22 C. Notwithstanding the provisions of Section 5-203.1 of this  
23 title, a landowner, agricultural lessee, or designated agent with  
24 written permission of the landowner ~~or lessee~~ and with a valid

1 permit may use a headlight carried on the person while hunting at  
2 night. Nothing in this section shall authorize the use of a  
3 headlight mounted on a vehicle or the use of a headlight from a  
4 public roadway.

5 D. Any person who has been convicted of, or pled guilty to, a  
6 violation of Section 5-203.1 or Section 5-411 of this title within  
7 the previous three (3) years shall not be eligible to receive a  
8 permit pursuant to this section. The permit can be issued by the  
9 local game warden in the county for which the permit is to be used  
10 or by the Law Enforcement Division of the Department of Wildlife  
11 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 2. AMENDATORY 29 O.S. 2011, Section 5-203.1, is  
20 amended to read as follows:

21 Section 5-203.1. A. ~~No~~ Except as provided in Section 3 of this  
22 act, no person may attempt to take, take, attempt to catch, catch,  
23 attempt to capture, capture, attempt to kill, or kill any deer,  
24 feral animal or other wildlife except fish and frogs by the use of a

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

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

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

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

1 public roads or waterways. Motor-driven land or water conveyances  
2 may be used on private property for following dogs in the act of  
3 hunting with the permission of the landowner or occupant.

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

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

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

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

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

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

23 B. Notwithstanding the provisions of Section 5-203.1 of Title  
24 29 of the Oklahoma Statutes, a landowner, agricultural lessee or

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

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE  
14 February 8, 2021 - DO PASS AS AMENDED  
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