

1 **SENATE FLOOR VERSION**

2 February 24, 2020

3 **As AMENDED**

4 SENATE BILL NO. 1746

5 By: Murdock

6 **[ nuisance wildlife - headlighting - coyote -**  
7 **effective date ]**

8  
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

12 Section 4-135. A. The Department of Wildlife Conservation is  
13 authorized to issue permits to landowners, lessees, or their  
14 designated agents and to any entity of state, county, or local  
15 government to control nuisance or damage by any species of wildlife  
16 including, but not limited to, beaver, coyote, deer, bobcat,  
17 raccoon, and crow under rules promulgated by the Oklahoma Wildlife  
18 Conservation Commission. The permits may be issued without  
19 limitation by statewide season regulations, bag limits or methods of  
20 taking. A permitted landowner, lessee or a designated agent of the  
21 landowner or lessee may, with a valid permit issued pursuant to this  
22 section, control the wildlife specified in this subsection and feral  
23 swine and coyotes at night to protect marketable agricultural crops,

1 livestock, or processed feed, seed or other materials used in the  
2 production of an agricultural commodity.

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

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

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

22 E. Notwithstanding the provisions of Section 1289.13 of Title  
23 21 of the Oklahoma Statutes, it shall be lawful for any private  
24 landowner or designated employee of the landowner or lessee to have

1 a chamber-loaded firearm on property owned by the landowner, and to  
2 use the firearm for the purpose of controlling nuisance or damage by  
3 any wildlife or feral swine. Nothing in this section shall  
4 authorize any convicted felon to carry a firearm.

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

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

17 B. Any person may use a shotgun, using No. 6 size shot or  
18 smaller, longbow, light and a call for the purpose of hunting  
19 predatory animals, provided that written permission is obtained from  
20 the local game warden for each twenty-four-hour period of hunting.  
21 For the purpose of hunting coyotes, any gauge shotgun or caliber  
22 rifle may be used.

23 C. It shall be illegal to hunt from a boat with a firearm from  
24 sunset until one-half (1/2) hour before sunrise. This shall not

1 pertain to hunting of waterfowl enroute from bank to blind with  
2 unloaded shotguns.

3 D. Except as otherwise provided for in this section, no person  
4 may harass, attempt to capture, capture, attempt to take or take,  
5 kill or attempt to kill any wildlife with the aid of any motor-  
6 driven land, air or water conveyance. A nonambulatory person may  
7 hunt from ~~said~~ the conveyances with written permission of the  
8 Director of Wildlife Conservation. A person may hunt from an air  
9 conveyance if issued a permit pursuant to Section ~~1 of this act~~ 4-  
10 107.2 of this title. Nothing in this section shall prevent the use  
11 of motor-driven land or water conveyances for following dogs in the  
12 act of hunting, when use is restricted to public roads or waterways.  
13 Motor-driven land or water conveyances may be used on private  
14 property for following dogs in the act of hunting with the  
15 permission of the landowner or occupant.

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

22 F. Any person convicted of violating the provisions of this  
23 section shall be guilty of a misdemeanor and shall be punished by a  
24 fine of not less than Two Hundred Fifty Dollars (\$250.00) for a

1 first offense and not less than Five Hundred Dollars (\$500.00) for a  
2 second offense or by imprisonment in the county jail for not less  
3 than ten (10) days nor more than one (1) year, or by confiscation  
4 pursuant to Section 5-402 of this title or by such fine,  
5 imprisonment and confiscation.

6 SECTION 3. This act shall become effective November 1, 2020.

7 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE  
8 February 24, 2020 - DO PASS AS AMENDED  
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