

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 2442

By: Roberts (Sean)

AS INTRODUCED

An Act relating to feral swine; amending 2 O.S. 2011, Section 6-604, which relates to the removal of feral swine; exempting persons who remove feral swine from the requirement to obtain a license; allowing for use of certain technology; specifying methods for notice; providing for removal of feral swine from certain public lands; authorizing administrative rules; amending 29 O.S. 2011, Section 4-135, which relates to permits to control nuisance or damage by wildlife; clarifying statutory language; modifying provisions related to authorized use of firearms for certain purposes; amending 29 O.S. 2011, Section 5-203.1, which relates to headlighting; allowing for headlighting to be used to take feral swine; updating language; repealing 2 O.S. 2011, Section 6-605, which relates to the Feral Swine Control Act; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 6-604, is amended to read as follows:

1 Section 6-604. A. Except as otherwise specified in the Feral
2 Swine Control Act, any person with permission of the private
3 property owner, lessee or occupant of land may remove feral swine
4 from private ~~or public~~ property during daylight hours or at night.
5 Any person who removes feral swine pursuant to this subsection shall
6 not be required to obtain a license or permit to hunt or control
7 wildlife issued by the Department of Wildlife Conservation. Any
8 person who removes or attempts to remove feral swine pursuant to
9 this subsection may use a motor-driven land conveyance to pursue or
10 follow feral swine, may use a vehicle-mounted spotlight or other
11 powerful light also known as a headlight and may use night-vision
12 equipment that uses either image-enhancement technology or thermal-
13 imaging technology.

14 B. Any person ~~who intends to kill or attempt to kill~~ may remove
15 or attempt to remove feral swine ~~at night shall obtain a permit~~
16 ~~issued from public land controlled or managed~~ by the Department of
17 Wildlife Conservation ~~pursuant to Section 4-135 of Title 29 of the~~
18 ~~Oklahoma Statutes and~~ as specified in rules promulgated ~~rules~~ by the
19 Department.

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

22 Section 4-135. A. The Department of Wildlife Conservation is
23 authorized to issue permits to landowners, lessees, or their
24 designated agents and to any entity of state, county, or local

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

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

18 C. Notwithstanding the provisions of Section 5-203.1 of this
19 title, a landowner, lessee, or designated agent of the landowner or
20 lessee with a valid permit may use a headlight carried on the person
21 while hunting at night. Nothing in this section shall authorize the
22 use of a headlight mounted on a vehicle or the use of a headlight
23 from a public roadway.

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

19 Section 5-203.1 A. No person may attempt to take, take,
20 attempt to catch, catch, attempt to capture, capture, attempt to
21 kill, or kill any deer, feral animal or other wildlife except fish
22 and, frogs and feral swine as provided for in Section 6-604 of Title
23 2 of the Oklahoma Statutes by the use of a vehicle mounted spotlight
24 or other powerful light at night, by what is commonly known as

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

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

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

14 D. Except as otherwise provided for in this section and except
15 when removing feral swine as provided for in Section 6-604 of Title
16 2 of the Oklahoma Statutes, no person may harass, attempt to
17 capture, capture, attempt to take or take, kill or attempt to kill
18 any wildlife with the aid of any motor-driven land, air or water
19 conveyance. A nonambulatory person may hunt from ~~said~~ the
20 conveyances with written permission of the Director of Wildlife
21 Conservation. A person may hunt from an air conveyance if issued a
22 permit pursuant to Section ~~4~~ 4-107.2 of this ~~act~~ title. Nothing in
23 this section shall prevent the use of motor-driven land or water
24 conveyances for following dogs in the act of hunting, when use is

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

4 E. Employees of the Oklahoma Department of Agriculture, Food,
5 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. 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) for a
13 first offense and not less than Five Hundred Dollars (\$500.00) for a
14 second offense or by imprisonment in the county jail for not less
15 than ten (10) days nor more than one (1) year, or by confiscation
16 pursuant to Section 5-402 of this title or by such fine,
17 imprisonment and confiscation.

18 SECTION 4. REPEALER 2 O.S. 2011, Section 6-605, is
19 hereby repealed.

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

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