

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1746

By: Murdock

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5
6 AS INTRODUCED

7 An Act relating to nuisance wildlife; amending 29
8 O.S. 2011, Sections 4-135 and 5-203.1, which relate
9 to permits to control nuisance or damage by wildlife
10 and headlighting; authorizing the control of coyote
11 at night with permit; authorizing the taking of
12 coyote at night with the use of light; updating
13 statutory language; and providing an effective date.

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

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

17 Section 4-135. A. The Department of Wildlife Conservation is
18 authorized to issue permits to landowners, lessees, or their
19 designated agents and to any entity of state, county, or local
20 government to control nuisance or damage by any species of wildlife
21 including, but not limited to beaver, coyote, deer, bobcat, raccoon,
22 and crow under rules promulgated by the Oklahoma Wildlife
23 Conservation Commission. The permits may be issued without
24 limitation by statewide season regulations, bag limits or methods of
25 taking. A permitted landowner, lessee or a designated agent of the

1 landowner or lessee may, with a valid permit issued pursuant to this
2 section, control the wildlife specified in this subsection and feral
3 swine and coyote at night to protect marketable agricultural crops,
4 livestock, or processed feed, seed or other materials used in the
5 production of an agricultural commodity.

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

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

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

1 E. Notwithstanding the provisions of Section 1289.13 of Title
2 21 of the Oklahoma Statutes, it shall be lawful for any private
3 landowner or designated employee of the landowner or lessee to have
4 a chamber-loaded firearm on property owned by the landowner, and to
5 use the firearm for the purpose of controlling nuisance or damage by
6 any wildlife or feral swine. Nothing in this section shall
7 authorize any convicted felon to carry a firearm.

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

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

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

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

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

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

3 F. Any person convicted of violating the provisions of this
4 section shall be guilty of a misdemeanor and shall be punished by a
5 fine of not less than Two Hundred Fifty Dollars (\$250.00) for a
6 first offense and not less than Five Hundred Dollars (\$500.00) for a
7 second offense or by imprisonment in the county jail for not less
8 than ten (10) days nor more than one (1) year, or by confiscation
9 pursuant to Section 5-402 of this title or by such fine,
10 imprisonment and confiscation.

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

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