

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 478

By: Deevers of the Senate

and

West (Rick) of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to feral swine; amending 2 O.S. 2021,
11 Section 6-604, which relates to the removal of feral
12 swine; requiring permission from landowner or lessee
13 to remove or take feral swine on certain property;
14 amending 29 O.S. 2021, Sections 4-107.2, as amended
15 by Section 1, Chapter 77, O.S.L. 2018, 4-135, as last
16 amended by Section 1, Chapter 198, O.S.L. 2023, and
17 Section 3, Chapter 171, O.S.L. 2022 (29 O.S. Supp.
18 2024, Sections 4-135 and 4-135.2), which relate to
19 control of nuisance wildlife; removing ability to
20 maintain certain firearm for nuisance control;
21 permitting the nuisance control without permit under
22 certain circumstances; prohibiting certain times;
23 authorizing revocation of license upon conviction;
24 making language gender neutral; updating statutory
references; repealing 2 O.S. 2021, Section 6-605,
which relates to special permit for private property
owner to kill feral swine; and providing an effective
date.

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

SECTION 1. AMENDATORY 2 O.S. 2021, 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 owner may
3 remove feral swine from private or public property ~~during daylight~~
4 ~~hours.~~

5 B. Any person who intends to kill or attempt to kill feral
6 swine at night shall obtain ~~a permit issued by the Department of~~
7 ~~Wildlife Conservation pursuant to Section 4-135 of Title 29 of the~~
8 ~~Oklahoma Statutes and promulgated rules~~ written permission from the
9 landowner or agricultural lessee.

10 SECTION 2. AMENDATORY 29 O.S. 2021, Section 4-107.2, as
11 amended by Section 1, Chapter 77, O.S.L. 2018, is amended to read as
12 follows:

13 Section 4-107.2. A. The Oklahoma Department of Agriculture,
14 Food, and Forestry is authorized to issue a permit to a person to
15 engage in the management of depredating animals by use of aircraft.
16 The permit may be issued without limitation by statewide season
17 regulations or bag limits.

18 B. The permit holder may contract with and authorize other
19 persons to engage in the management of depredating animals by use of
20 an aircraft, provided that the permit holder accompanies the
21 authorized person while engaging in the activity and, if engaging in
22 the activity on private property, the authorized person has consent
23 of the landowner. Any person contracting with or authorized by a
24 permit holder pursuant to this subsection shall not be required to

1 have a permit to engage in the management of depredating animals by
2 use of aircraft. If contracting or authorizing other persons to
3 engage in the management of depredating animals by use of an
4 aircraft, the permit holder shall inform the person of the
5 importance of safely keeping his or her aim and fire beneath the
6 horizon. The permit holder shall have the authorized person sign a
7 disclosure stating that the person is aware of the dangers of aiming
8 and shooting over the horizon. The permit holder shall retain a
9 copy of the disclosure for a reasonable period of time. Personnel
10 of the Department of Defense and law enforcement shall not be
11 required to sign a disclosure.

12 C. A pilot of an aircraft used for the management of
13 depredating animals shall maintain a daily flight log and report.
14 The daily flight log shall be current and available for inspection
15 by employees of the Oklahoma Department of Agriculture, Food, and
16 Forestry at reasonable times. The permit shall be carried in the
17 aircraft when performing management by the use of aircraft. Each
18 permit holder, authorized person pursuant to subsection B of this
19 section, and pilot shall comply with all Federal Aviation
20 Regulations for the specific type of aircraft. The Oklahoma
21 Department of Agriculture, Food, and Forestry shall not require the
22 pilot to hold a specific type of pilot's license. The Oklahoma
23 Department of Agriculture, Food, and Forestry shall also not require
24 the permit holder or pilot to carry liability insurance.

1 Applications for a permit shall be submitted to the Oklahoma
2 Department of Agriculture, Food, and Forestry and shall contain all
3 information as required by the Oklahoma Department of Agriculture,
4 Food, and Forestry. The Oklahoma Department of Agriculture, Food,
5 and Forestry may issue a permit if it finds that it will aid in the
6 management of depredating animals. The Oklahoma Department of
7 Agriculture, Food, and Forestry may deny the permit if it finds that
8 it will have a deleterious effect on indigenous species. The
9 Oklahoma Department of Agriculture, Food, and Forestry shall not
10 require the names of the persons authorized by or contracting with
11 the permit holder pursuant to subsection B of this section. The
12 permit shall include, but is not limited to, the following
13 information:

- 14 1. The name and address of the permit holder;
- 15 2. A description of the animals to be taken;
- 16 3. A description of the area from which the animals are
17 authorized to be taken; and
- 18 4. The issue and expiration date of the permit.

19 D. A permit to manage depredating animals issued pursuant to
20 this section shall be valid for a period of one (1) year from the
21 date of issuance. Permits may be renewed by filing an application
22 for renewal with the Oklahoma Department of Agriculture, Food, and
23 Forestry.

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1 E. The annual fee for a permit to manage depredating animals
2 issued pursuant to this section shall be Two Hundred Dollars
3 (\$200.00).

4 F. Not less than twenty-four (24) hours prior to managing
5 depredating animals by use of an aircraft, a permit holder shall
6 notify the Oklahoma Department of Agriculture, Food, and Forestry of
7 the date, time, and area on which management will occur.
8 Notification may be made by telephone, fax, or electronic means, as
9 determined by the Oklahoma Department of Agriculture, Food, and
10 Forestry.

11 G. The holder of a permit to manage depredating animals issued
12 pursuant to this section shall file with the Oklahoma Department of
13 Agriculture, Food, and Forestry within thirty (30) days following
14 the end of each calendar quarter or on termination of the permit,
15 whichever occurs first, a report on a form prescribed by the
16 Oklahoma Department of Agriculture, Food, and Forestry showing:

- 17 1. The name, address, and permit number of the permit holder;
- 18 2. The name and address of the pilot participating in the
19 flights;
- 20 3. The number and description of the depredating animals
21 managed under the permit;
- 22 4. The types of depredating animals authorized to be managed
23 under the permit;
- 24 5. Dates and times of authorized flights; and

1 6. Any other information required by the Oklahoma Department of
2 Agriculture, Food, and Forestry.

3 H. It shall be unlawful for a person issued a permit to manage
4 depredating animals pursuant to this section or a person authorized
5 by or contracting with the permit holder pursuant to subsection B of
6 this section to:

7 1. Hunt, shoot, shoot at, kill, or attempt to kill from an
8 aircraft any wildlife, domesticated animal, or livestock other than
9 the depredating animals authorized by the permit;

10 2. Intentionally disturb, haze, or buzz any wildlife,
11 domesticated animal, or livestock by the use of an aircraft other
12 than the depredating animals authorized by the permit; or

13 3. Take or attempt to take any depredating animal for any
14 purpose other than is necessary for the protection of land, water,
15 wildlife, livestock, domesticated animals, human life, or crops.

16 I. During designated deer hunting seasons from the dates of
17 October 1 through January 15 as specified in rules promulgated by
18 the Department of Wildlife Conservation, it shall be unlawful to
19 take or attempt to take depredating animals, excluding feral swine,
20 without first obtaining a special permit from the local game warden
21 or other authorized employee of the Department of Wildlife
22 Conservation.

23 J. 1. Any person convicted of violating the provisions of this
24 section shall be punished by a fine ~~of~~ not less than Five Hundred

1 Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars
2 (\$1,500.00), or by imprisonment in the county jail not to exceed
3 sixty (60) days, or by both such fine and imprisonment. Any person
4 convicted of violating the provisions of this section shall have the
5 permit issued pursuant to this section revoked. No new permit shall
6 be issued for a period of six (6) months from and after the date on
7 which the revocation order becomes effective.

8 2. In addition to the criminal penalties specified by this
9 section, the Oklahoma Department of Agriculture, Food, and Forestry
10 may:

- 11 a. assess an administrative penalty ~~of~~ not more than Ten
12 Thousand Dollars (\$10,000.00) per day of
13 noncompliance, or
- 14 b. bring an action for injunctive relief granted by a
15 district court.

16 3. A district court may grant injunctive relief to prevent a
17 violation of, or to compel compliance with, any of the provisions of
18 this section or any rule promulgated pursuant to this section, or
19 order, license, or permit issued pursuant to this section.

20 4. Nothing in this section shall preclude the Oklahoma
21 Department of Agriculture, Food, and Forestry from seeking penalties
22 in district court in the maximum amount allowed by law.

23 5. Any person assessed an administrative penalty may be
24 required to pay, in addition to the penalty amount and interest,

1 attorney fees and costs associated with the collection of the
2 penalties.

3 6. The Oklahoma Department of Agriculture, Food, and Forestry
4 or the district attorney of the appropriate district of Oklahoma may
5 bring an action in district court for the criminal prosecution of a
6 violation by any person of a provision of this section or any rule
7 promulgated pursuant to this section, or order, license, or permit
8 issued pursuant to this section. The assessment of penalties in an
9 administrative enforcement proceeding shall not prevent the
10 subsequent assessment by a court of the maximum criminal penalties
11 for violations of this section.

12 K. Any person convicted of violating the provisions of Section
13 4-106 of this title shall have the permit issued pursuant to this
14 section revoked. No new permit shall be issued for a period of six
15 (6) months from and after the date on which the revocation order
16 becomes effective.

17 L. As used in this section:

18 1. "Depredating animal" means ~~feral hogs,~~ coyotes, and
19 crossbreeds between coyotes and dogs;

20 2. "Management by the use of aircraft" means to manage
21 depredating animals by counting, photographing, relocating,
22 capturing, or hunting with any firearm by the use of aircraft; and

23 3. "Aircraft" means manned fixed-wing and non-fixed-wing
24 aircraft registered with the Federal Aviation Administration (FAA).

1 SECTION 3. AMENDATORY 29 O.S. 2021, Section 4-135, as
2 last amended by Section 1, Chapter 198, O.S.L. 2023 (29 O.S. Supp.
3 2024, Section 4-135), is amended to read as follows:

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

20 B. Except as otherwise specified in this ~~subsection~~ section,
21 the permit to hunt at night shall be valid for a period of up to one
22 (1) year from the date the permit was issued.

23 C. Notwithstanding the provisions of Section 5-203.1 of this
24 title, a landowner, agricultural lessee, or designated agent with

1 written permission of the landowner and with a valid permit may use
2 a headlight carried on the person while hunting at night. Nothing
3 in this section shall authorize the use of a headlight mounted on a
4 vehicle or the use of a headlight from a 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. It shall be lawful for any private landowner or designated~~
13 ~~employee of the landowner or lessee to have a chamber-loaded firearm~~
14 ~~on property owned by the landowner, and to use the firearm for the~~
15 ~~purpose of controlling nuisance or damage by any wildlife or feral~~
16 ~~swine. Nothing in this section shall authorize any convicted felon~~
17 ~~to carry a firearm.~~

18 SECTION 4. AMENDATORY Section 3, Chapter 171, O.S.L.
19 2022 (29 O.S. Supp. 2024, Section 4-135.2), is amended to read as
20 follows:

21 Section 4-135.2. A. Except during the regular deer gun ~~seasons~~
22 season, a landowner, agricultural lessee, or ~~their~~ his or her
23 designated agent with written permission from the landowner or
24 agricultural lessee may control nuisance or damage by coyotes ~~or~~

1 ~~feral swine~~ without a permit as provided for in Section 4-135 of
2 ~~Title 29 of the Oklahoma Statutes~~ this title during the day or
3 night, and without limitation by statewide season regulations or bag
4 limits, and with the use of any legal means of take, to protect
5 marketable agricultural crops, livestock, or processed feed, seed,
6 or other materials used in the production of an agricultural
7 commodity. Landowners or agricultural lessees performing nuisance
8 control activities shall be required to have a current agricultural
9 exemption permit issued by the Oklahoma Tax Commission.

10 B. Except during the regular deer gun season, a landowner,
11 agricultural lessee, or his or her designated agent with written
12 permission from the landowner or agricultural lessee may control
13 nuisance or damage by feral swine without a permit as provided for
14 in Section 4-135 of this title during the day or night. During the
15 regular deer gun season, any person, excluding landowners and
16 agricultural lessees on property owned or leased by them, in the
17 field during legal daylight shooting hours in possession of a
18 firearm that is legal to harvest a deer shall be in possession of a
19 hunting license and deer gun license unless otherwise exempt.

20 C. Notwithstanding the provisions of Section 5-203.1 of ~~Title~~
21 ~~29 of the Oklahoma Statutes~~ this title, a landowner, agricultural
22 lessee, or designated agent of the landowner or lessee may use a
23 headlight, thermal, or light enhancement device carried on the
24 person, a vehicle with or without a mounted spotlight, or night

1 vision equipment while controlling nuisance coyotes ~~and feral swine~~
2 at night. Nothing in this subsection shall authorize the discharge
3 of a firearm, the use of a headlight, thermal or night vision
4 equipment, or a spotlight from a public roadway. Upon final
5 conviction of violation of this section, any hunting or fishing
6 license issued to a person by the Department of Wildlife
7 Conservation shall be automatically revoked. The revocation shall
8 be for a period not less than one (1) year.

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

14 SECTION 5. REPEALER 2 O.S. 2021, Section 6-605, is
15 hereby repealed.

16 SECTION 6. This act shall become effective November 1, 2025.

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