

An Act

ENROLLED HOUSE
BILL NO. 1347

By: Newell of the House

and

Coates of the Senate

An Act relating to game and fish; creating the Wildlife Bail Procedure Act; providing short title; establishing the bail procedure for persons arrested for certain violations; providing for a written citation containing certain information; requiring indication of arraignment date; providing for place of arraignment; providing for an agreement to appear upon signature; establishing criteria for taking a person into custody; requiring certain persons to be taken into custody and appear before the court; providing for posting of a bond; making the citation a lawful complaint under certain circumstances; establishing criteria for determining the failure to comply with a wildlife citation; providing penalty for failure to comply; defining certain term; allowing for the issuance of a bench warrant under certain circumstances; providing for suspension of certain licenses for failing to comply with a wildlife citation or sentence; establishing procedures for suspension of a license; providing for imposition of a reinstatement fee; providing for deposit of the reinstatement fee; requiring waiver of the reinstatement fee under certain circumstances; making certain actions a misdemeanor; providing a penalty; repealing 29 O.S. 2001, Sections 9-101, 9-102, 9-103, 9-104 and 9-105, which relate to bail procedures; and providing for codification.

SUBJECT: Wildlife Bail Procedure Act

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-111 of Title 29, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Wildlife Bail Procedure Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-112 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided by law, any person arrested for a violation of any section of the Oklahoma Wildlife Conservation Code shall be admitted to bail as follows:

1. Whenever a person is charged for any violation of any of the wildlife laws of this state or rules adopted by the Wildlife Conservation Commission pursuant to law, which violation is punishable as a misdemeanor and the person is not immediately taken into physical custody pursuant to state law, the officer shall prepare a written citation containing a notice to appear in court, the name and address of the person, the offense charged, the time and place where the person shall appear in court and any other pertinent information as may be necessary;

2. The arresting officer shall indicate on the citation the date of the arraignment. The person charged shall appear in person or by counsel at the stated time and place for arraignment;

3. The place specified in the citation for the arraignment shall be before a judge of the district court within the county in which the offense is alleged to have been committed and which has jurisdiction of the offense; and

4. Except as otherwise provided by law, the person charged with the violation shall agree to appear in court by signing at least one copy of the written citation prepared by the arresting officer. After signing, the officer shall deliver a copy of the citation to the person. The officer shall not take the person into physical custody for the violation if:

a. the arrested person is:

(1) a resident, or

(2) a nonresident of another state within the United States which is a participant in the Interstate Wildlife Violator Compact or any party within the

jurisdiction of the Interstate Wildlife Violator Compact,

- b. the arresting officer is satisfied as to the identity of the arrested person and certifies the date and time and the location of the violation,
- c. the arrested person acknowledges the written promise to appear in court as provided for on the citation, and
- d. the violation does not constitute:
 - (1) hunting or fishing while the hunting or fishing license is under suspension, revocation, denial or cancellation, or
 - (2) an arrest based upon an outstanding warrant.

B. A person charged with a violation listed in divisions (1) and (2) of subparagraph d of paragraph 4 of subsection A of this section shall be taken into custody and required to appear before the court.

C. Except for any person charged with a violation requiring restitution as set forth in Section 7-207 of Title 29 of the Oklahoma Statutes or listed in divisions (1) and (2) of subparagraph d of paragraph 4 of subsection A of this section or other applicable law, upon approval of the district court, the person charged may submit payment to the court in the amount of the minimum bond as prescribed by law for a violation for which the person is charged if the violation carries a minimum fine of Fifty Dollars (\$50.00) or less and sign a plea of guilty or nolo contendere on the back of the citation. A person charged who elects to follow the procedure authorized in this subsection shall not be required to appear for arraignment.

D. All persons charged with a violation requiring restitution as set forth in Section 7-207 of Title 29 of the Oklahoma Statutes shall be required to appear before the court.

E. If the form of a wildlife citation includes information required by law and is signed by the preparing officer, the citation, when filed with a court having jurisdiction, shall be

deemed to be a lawful complaint for the purpose of prosecution under law.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-113 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. For purposes of the Wildlife Bail Procedure Act, "failure to comply" with a wildlife citation by a person that has been issued the citation means failure to:

1. Appear before a district court in response to a wildlife citation and pay in full any fine, court costs, assessments or fees imposed;

2. Fully pay or satisfy all fines, court costs, restitution, assessments or fees imposed as a part of the sentence of any district court for violation of the wildlife laws of this state; or

3. Otherwise comply with a wildlife citation as provided for in the Oklahoma Wildlife Conservation Code.

B. A person may be considered guilty of failing to comply with a wildlife citation as set forth in subsection A of this section regardless of the disposition of the charge for which the citation, complaint or charge was originally issued. Any person convicted of failing to comply with a wildlife citation as set forth in subsection A of this section shall be deemed guilty of a misdemeanor and shall be fined not less than Twenty-five Dollars (\$25.00) or more than One Hundred Dollars (\$100.00).

C. For purposes of the Wildlife Bail Procedure Act, the term "citation" means any complaint, summons, notice to appear, ticket, warrant, administrative fine or other official document issued for the prosecution of the wildlife laws or rules of this state.

D. If the person charged fails to appear in court in person or by counsel for arraignment on the charge against them, or fails to arrange with the court within the time designated on the citation for a future appearance, on motion of the district attorney, the court shall issue a bench warrant for the arrest of the person charged.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-114 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. 1. In addition to any other penalties provided for in the Wildlife Bail Procedure Act or any other applicable law, when a person fails to comply with a wildlife citation or a sentence for a violation of wildlife laws or rules, the district court which has jurisdiction of the citation or which issued the sentence shall mail a notice to the person informing them that if they do not appear in the district court or pay all fines, court costs, assessments or fees, and any penalties imposed within thirty (30) days from the date of mailing, the Oklahoma Department of Wildlife Conservation shall be notified to begin procedures to forfeit or suspend any license, permit, stamp or other issue of the Department held by the person.

2. Upon receipt of a report from a district court of a failure to comply with a wildlife citation or sentence as set forth in paragraph 1 of this subsection the Department shall suspend or forfeit the license, permit, stamp or other issue of the Department held by the person until satisfactory evidence of compliance with the wildlife citation or sentence of the district court is furnished to the Department by the district court. Upon receipt of notification of compliance from the district court, the Department shall terminate the suspension action, unless the suspension is otherwise required.

B. Except as provided for in subsection C of this section, when the district court notifies the Department of Wildlife Conservation of a failure to comply with a wildlife citation or failure to comply with a sentence of the district, the court shall assess a reinstatement fee of Fifty Dollars (\$50.00) for each charge or sentence on which the person failed to make satisfaction, regardless of the disposition of the charge for which the citation was originally issued. The reinstatement fee shall be in addition to any fine, court costs and other assessments, fees or penalties. The district court shall remit all reinstatement fees to the Department in accordance with the provisions of state law. The Department shall deposit the entire amount of each reinstatement fee in the Wildlife General Fund.

C. The district court shall waive the reinstatement fee provided for in subsection B of this section if the failure to comply with a wildlife citation was the result of the person

enlisting in or being drafted into the armed services of the United States of America, being called into service as a member of a reserve component of the military service of the United States of America, volunteering for active duty or being called into service as a member of the Oklahoma National Guard or volunteering for active duty and being absent from Oklahoma because of military service.

D. A person whose privileges have been suspended as provided for in this section and who hunts, traps or fishes in this state, who applies for or purchases any license or permit to hunt, trap, or fish in this state, or who refuses to surrender any current hunting, trapping or fishing licenses as required pursuant to this section shall be deemed guilty of a misdemeanor and shall be fined not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00).

SECTION 5. REPEALER 29 O.S. 2001, Sections 9-101, 9-102, 9-103, 9-104 and 9-105, are hereby repealed.

Passed the House of Representatives the 2nd day of May, 2011.


Presiding Officer of the House
of Representatives

Passed the Senate the 20th day of April, 2011.

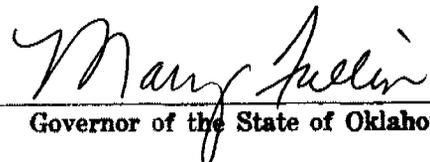

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 3rd
day of May, 20 ,
at 12:22 o'clock P.M.

By: Maura Mauk

Approved by the Governor of the State of Oklahoma the 9th day of
May, 20 11, at 10:20 o'clock A.M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
9th day of May, 2011,
at 1:20 o'clock M.

By: Michelle R. Day