An Act

ENROLLED HOUSE
BILL NO. 2637

By: Wallace, McCall, Kern and Ritze of the House

and

Silk, Brecheen and Dahm of the Senate

An Act relating to game and fish; creating the Hunting Freedom Act; amending 29 O.S. 2011, Section 5-201, as last amended by Section 1, Chapter 245, O.S.L. 2015 (29 O.S. Supp. 2015, Section 5-201), which relates to the means of taking wildlife; modifying prohibition from using certain devices; deleting certain exemption; clarifying requirement to comply with certain law; providing for noncodification; and providing an effective date.

SUBJECT: Modifying prohibition from using suppressors or silencers

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Hunting Freedom Act".

SECTION 2. AMENDATORY 29 O.S. 2011, Section 5-201, as last amended by Section 1, Chapter 245, O.S.L. 2015 (29 O.S. Supp. 2015, Section 5-201), is amended to read as follows:

Section 5-201. A. Except as otherwise provided for in this section, no person may utilize at any time, for the purpose of killing or capturing any game mammal, game bird, nongame bird or exotic wildlife, the following means:

1. Any trap, net, snare, cage, pitfall, baited hook or similar device;

2. Any drug, poison, narcotic, explosive or similar substance;

3. Any swivel or punt gun of greater calibre than ten (10) gauge;

4. Any device which generates electricity; or

5. Any device which noticeably suppresses noise from a firearm, commonly known as a suppressor or silencer unless it is registered in compliance with the requirements of federal law.

B. Except as otherwise provided for in this section, no person shall hunt wildlife or exotic wildlife by computer-assisted remote control hunting.

C. Except as otherwise provided for in this section, no person shall engage in any activity that provides, sells, offers for sale, assists in, or provides facilities for computer-assisted remote control hunting of wildlife or exotic wildlife.

D. The following persons shall be exempt from the prohibition in subsection A of this section:

1. The Director, departmental employees and authorized agents when capturing wildlife for propagation or management purposes;

2. Any person, group or governmental agency the Director may by written permit authorize, where any species of nongame birds are causing a nuisance or undue economic loss, as may be determined by the Director. Such permit shall state the method of control and specific procedures and conditions as may be deemed appropriate by the Director;

3. Any person possessing a scientific purposes license under Section 4-118 of this title;

4. Employees of the Oklahoma Department of Agriculture, Food, and Forestry Wildlife Services Division and the United States Department of Agriculture Wildlife Services while engaged in wildlife management activities for the protection of agriculture, property, human health and safety and natural resources; or

5. Any person using nonlethal, nonchemical capture or restraint of animals on licensed commercial hunt areas for management, viewing or photographic purposes.

E. ~~1. The following persons shall be exempt from the prohibition specified in paragraph 5 of subsection A of this section:~~

~~a. any person hunting on property owned by the person, and~~

~~b. any guest or other person hunting on property with the permission of the owner of the property.~~

~~2.~~ Nothing in this ~~subsection~~ section shall be construed to exempt any person using a device as described in paragraph 5 of subsection A of this section from the requirements and provisions of ~~the National Firearms Act and~~ federal law, federal regulations and federal tax requirements for lawful use of ~~a weapon as described in paragraph 5 of subsection A of this section~~ the device.

F. A person shall be exempt from the prohibition in subsection B of this section if the person is permanently physically disabled so that the person is physically incapable of using a firearm, crossbow, or conventional bow as certified in writing by a physician licensed to practice medicine. A person who has received certification as provided for in this paragraph shall have in their possession written evidence of the certification while in the field hunting.

G. A person shall be exempt from the prohibition in subsection C of this section if the person is engaged in providing facilities for, assisting in, selling, or offering for sale a computer-assisted remote control hunting activity for a person who is physically disabled as described in subsection F of this section. The physically disabled person shall be physically present where the hunting activity is occurring and be in control and operating the computer-assisted remote control means to take wildlife or exotic wildlife.

H. 1. Any person convicted of violating the provisions of subsection A of this section shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00).

2. Any person convicted of violating the provisions of subsection B or C of this section shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail not exceeding one (1) year, or by both the fine and imprisonment. In addition, the court may order that the hunting or fishing license and privileges of any person convicted of violating the provisions of subsection B or C of this section be revoked for a period of not less than one (1) year but not exceeding five (5) years. The cost of reinstating a hunting or fishing license revoked pursuant to this subsection for residents shall be Two Hundred Dollars ($200.00) for each license and for nonresidents shall be Five Hundred Dollars ($500.00) for each license. The reinstatement fee shall be in addition to any other fees required for the hunting or fishing license.

3. Any person convicted of a wildlife offense which involves a species of wildlife listed in Section 5-411 of this title, involves a species of wildlife referenced in Section 5-412 of this title or involves the unlawful possession, taking or killing of the wildlife from an unlawful hunt, chase, trap, capture, shooting, killing or slaughter while using a suppressed firearm during the commission of the wildlife offense, in addition to any other penalty otherwise provided for in law, shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00) or by imprisonment in the county jail not exceeding one (1) year, or by both the fine and imprisonment. In addition, the court may order that the hunting or fishing license and privileges of the person be revoked for a period of not less than one (1) year but not exceeding five (5) years.

SECTION 3. This act shall become effective November 1, 2016.

Passed the House of Representatives the 9th day of March, 2016.

Presiding Officer of the House
of Representatives

Passed the Senate the 18th day of April, 2016.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 19th

day of April, 2016, at 4:46 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 25th

day of April, 2016, at 1:32 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 25

day of April, 2016, at 2:45 o'clock P. M.

By: Chris Benge