



# The National Agricultural Law Center

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## State Endangered Species Act Statutes: *Oklahoma*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

# A National Agricultural Law Center Research Publication

## State Endangered Species Act Statutes: Oklahoma

### Oklahoma Wildlife Conservation Code §§ 2-109, 2-135; §§ 5-402, 5-412 – 5-412.1

*Current with legislation through Chapter 167 of the 2020 Legislative Session*

#### **Title 29. Game and Fish. Chapter 1. Oklahoma Wildlife Conservation Code. Article II. Words and Phrases.**

##### **§ 2-109. Endangered**

“Endangered” refers to any wildlife species or subspecies in the wild or in captivity whose prospects of survival and reproduction are in immediate jeopardy and includes those species listed as endangered by the federal government, as well as any species or subspecies identified as threatened by Oklahoma statute or Commission resolution.

##### **§ 2-135. Threatened**

“Threatened” refers to any wildlife species or subspecies in the wild or in captivity that, although not presently threatened with extinction, are in such small numbers throughout their range that they may become an endangered species within the foreseeable future or that they may be endangered if their environment deteriorates. Threatened species and subspecies include those species and subspecies listed as “threatened” by the federal government as well as any species or subspecies identified as threatened by Oklahoma statutes or Commission resolution.

#### **Title 29. Game and Fish. Chapter 1. Oklahoma Wildlife Conservation Code. Article V. Game. Part 4. Protected Game**

##### **§ 5-402. Punishment for violations of this article**

A. Any person convicted of violating any provision of Section 5-203 and Sections 5-401 through 5-410 of this title, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). Any person convicted of violating any provision of Sections 5-411 and 5-412 of this title, shall be punished by a fine not less than Seven Hundred Fifty Dollars (\$750.00) nor more than One Thousand Two Hundred Fifty Dollars (\$1,250.00) or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days, or by both such fine and imprisonment.

B. The State of Oklahoma, on relation of the district attorney, is hereby authorized to institute legal action against the owner or operator of any air, land or water conveyances, firearms or other items or equipment used, if the owner or operator is found guilty of a violation of Section 5-411 or 5-412 of this title. The legal proceedings shall subject all of the above-mentioned items to seizure and forfeiture proceedings pursuant to Section 7-206 of this



title, if it is found that the items were used as an aid in violation of Section 5-411 or 5-412 of this title.

C. A court in this state, on relation of the district attorney, may order the suspension, revocation, or denial of the hunting and fishing license privileges of a person found guilty of violation of Section 5-411 or 5-412 of this title for a period of time as determined by the court to be consistent with the violation committed and based on previous conviction history, not to exceed a maximum of ten (10) years. Upon completion of the suspension or revocation period, the person may apply for a new hunting or fishing license or reinstatement of the lifetime license the person held by paying a reinstatement fee of Two Hundred Dollars (\$200.00) for residents and Five Hundred Dollars (\$500.00) for nonresidents. The reinstatement fee shall be in addition to any other fees required for the hunting and fishing license.

#### **§ 5-412. Endangered or threatened species or subspecies**

Except as otherwise provided by law, no person may possess, hunt, chase, harass, capture, shoot at, wound or kill, take or attempt to take, trap or attempt to trap any endangered or threatened species or subspecies without specific written permission of the Director. In no event, however, may that permission conflict with federal law.

##### **§ 5-412.1. Publication of listing of endangered or threatened species or subspecies**

The Oklahoma Department of Wildlife Conservation shall print a listing of those endangered or threatened species or subspecies protected by this act as part of the published general hunting regulations booklet printed each year.

