

## ANIMAL PROTECTION LAWS OF OKLAHOMA



# Animal Protection Laws of Oklahoma

### SUBSTANTIVE PROHIBITIONS

1. DEFINITION OF “ANIMAL”
2. GENERAL CRUELTY
3. EXEMPTIONS
4. FIGHTING & RACKETEERING
5. SEXUAL ASSAULT
6. CRUELTY TO WORKING ANIMALS

### PROCEDURAL MATTERS

7. MAXIMUM PENALTIES & STATUTE OF LIMITATIONS
8. CROSS ENFORCEMENT & REPORTING
9. VETERINARIAN REPORTING & IMMUNITY
10. LAW ENFORCEMENT POLICIES
11. SEIZURE
12. COURTROOM ANIMAL ADVOCATE PROGRAM
13. PROTECTION ORDERS
14. RESTITUTION
15. FORFEITURE & POSSESSION BANS
16. COURT-ORDERED TREATMENT

### MISCELLANEOUS PROVISIONS

17. HOT CARS
18. CIVIL NUISANCE ABATEMENT
19. AG-GAG LAWS
20. BREED SPECIFIC LEGISLATION

*This chapter contains Oklahoma’s general animal protection and related statutes with an effective date on or before September 1, 2020. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.*

*Oklahoma may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.*

## ANIMAL PROTECTION LAWS OF OKLAHOMA

## OKLAHOMA

<p><b>1. <u>DEFINITION OF "ANIMAL"</u></b></p>	<p>"[A]ny mammal, bird, fish, reptile or invertebrate, including wild and domesticated species, other than a human being"  OKLA. STAT. TIT. 21, § 1680.1</p>
<p><b>2. <u>GENERAL CRUELTY *</u></b></p>	<p><b>Definitions</b>  OKLA. STAT. TIT. 4 § 511  OKLA. STAT. TIT. 21, § 1680.1</p> <p><b>Poisoning animals</b>  OKLA. STAT. TIT. 21, § 1681  <i>Felony, 3 years prison or 1 year county jail and/or \$250 fine</i></p> <p><b>Cruelty to animals</b>  OKLA. STAT. TIT. 21, § 1685  <i>Felony, 5 years prison or 1 year county jail or \$5,000 fine</i></p> <p><b>Abandoning injured animals</b>  OKLA. STAT. TIT. 4 § 511  OKLA. STAT. TIT. 21, § 1686  <i>Misdemeanor, 1 year imprisonment and/or \$100-\$500 fine</i>  OKLA. STAT. TIT. 21, § 1692</p> <p><b>Abandoning domestic animals</b>  OKLA. STAT. TIT. 21, § 1691  <i>Misdemeanor, 1 year imprisonment and/or \$100-\$500 fine</i>  OKLA. STAT. TIT. 21, § 1692</p> <p><b>Horse tripping</b>  OKLA. STAT. TIT. 21, § 1700  <i>Misdemeanor, 1 year county jail and/or \$2,000 fine</i></p>
<p><b>3. <u>EXEMPTIONS</u></b></p>	<p><b>Other</b>  OKLA. STAT. TIT. 4, § 41</p> <p><b>Other</b>  OKLA. STAT. TIT. 21 § 649.2</p>

## ANIMAL PROTECTION LAWS OF OKLAHOMA

	<p>Cockfighting exemptions: wildlife, accepted farm animal husbandry practices OKLA. STAT. TIT. 21, § 1692.9</p> <p>Dogfighting exemptions: wildlife, accepted farm animal husbandry practices, other OKLA. STAT. TIT. 21, § 1699.2</p> <p>Horse tripping exemptions: veterinary practice OKLA. STAT. TIT. 21, § 1700</p>
<p><b>4. <u>FIGHTING &amp; RACKETEERING</u></b></p>	<p><b>NOTE:</b> statutes pertaining to the <u>seizure</u>, <u>restitution</u>, and <u>forfeiture</u> of animals used in animal fighting may be found in those respective sections of this document.</p> <p>Animal fighting OKLA. STAT. TIT. 21, § 1682 <i>Unclassified misdemeanor</i></p> <p>Keeping a place for animal fighting OKLA. STAT. TIT. 21, § 1683 <i>Unclassified misdemeanor</i></p> <p>Cockfighting definitions OKLA. STAT. TIT. 21, § 1692.1</p> <p>Cockfighting and related activities OKLA. STAT. TIT. 21, §§ 1692.2, 1692.3, 1692.4, 1692.5 <i>10 years imprisonment and/or \$25,000 fine</i> OKLA. STAT. TIT. 21, § 1692.8(A)</p> <p>Being a spectator at a cockfight OKLA. STAT. TIT. 21, § 1692.6 <i>Misdemeanor, 1 year county jail and/or \$500 fine</i> OKLA. STAT. TIT. 21, § 1692.8(B)</p> <p>Dogfighting definitions OKLA. STAT. TIT. 21, § 1693</p> <p>Dogfighting and related activities</p>

## ANIMAL PROTECTION LAWS OF OKLAHOMA

	<p>OKLA. STAT. TIT. 21, §§ 1694, 1695, 1696, 1697  <i>Felony, 10 years imprisonment and/or \$25,000 fine</i>  OKLA. STAT. TIT. 21, § 1699.1(A)</p> <p>Being a spectator at a dogfight  OKLA. STAT. TIT. 21, § 1698  <i>Misdemeanor, 1 year county jail or \$500 fine</i>  OKLA. STAT. TIT. 21, § 1699.1(A)</p> <p>Bear wrestling  OKLA. STAT. TIT. 21, § 1700  <i>Misdemeanor, 1 year county jail and/or \$2,000 fine</i></p>
<p>5. <u>SEXUAL ASSAULT</u></p>	<p>The “crime against nature” with a beast  OKLA. STAT. TIT. 21, §§ 886; 887  <i>Felony, 10 years imprisonment</i></p>
<p>6. <u>CRUELTY TO WORKING ANIMALS</u></p>	<p>Harming or killing a police dog or horse  OKLA. STAT. TIT. 21 § 649.2  <i>Generally: misdemeanor, 1 year county jail and/or \$1,000 fine</i>  <i>In commission of other crime: felony, 5 years imprisonment and/or \$1,000 fine</i></p> <p>Harming or killing a service animal  OKLA. STAT. TIT. 21 § 649.3  <i>Generally: misdemeanor, 1 year county jail and/or \$1,000 fine</i>  <i>In commission of other crime: felony, 2 years imprisonment and/or \$1,000 fine</i></p>
<p>7. <u>MAXIMUM PENALTIES &amp; STATUTE OF LIMITATIONS**</u></p>	<p><b>NOTE:</b> Most penalties are defined in the substantive statutes, available in the <u>General Cruelty, Fighting &amp; Racketeering</u>, and <u>Sexual Assault</u> sections of this document.</p> <p>Unclassified misdemeanor  OKLA. STAT. TIT. 21, § 10  <i>1 year imprisonment and/or \$500 fine</i></p> <p>Statute of limitations  <i>Felony or attempted felony with a “deadly weapon”: 7 years</i>  <b>NOTE:</b> <i>it is unclear whether a weapon used against an animal would be</i></p>

## ANIMAL PROTECTION LAWS OF OKLAHOMA

	<p><i>considered a 'deadly weapon' under this statute.</i></p> <p>OKLA. STAT. ANN. TIT. 22, § 152 (K)</p> <p><i>Other felonies and misdemeanors: 3 years</i></p> <p>OKLA. STAT. ANN. TIT. 22, § 152 (H), (D)</p>
<b>8. <u>CROSS ENFORCEMENT &amp; REPORTING</u></b>	-----
<b>9. <u>VETERINARIAN REPORTING &amp; IMMUNITY</u></b>	<p>Veterinarians shall report suspected animal abuse and are immune from civil liability for good faith reporting.</p> <p>OKLA. STAT. TIT. 21, § 1680.3</p>
<b>10. <u>LAW ENFORCEMENT POLICIES</u></b>	-----
<b>11. <u>SEIZURE</u></b>	<p>A law enforcement officer may apply for a warrant to seize an animal reasonably believed to be abandoned or neglected.</p> <p>OKLA STAT, TIT. 4, § 512(A)</p> <p>Peace officers or animal control officers may obtain a court order to seize mistreated animals, or may provide on-site supervision for non-impounded animals.</p> <p>OKLA. STAT. TIT. 21, § 1680.4(A),(B)</p> <p>Peace officers, animal control officers, and humane officers may take custody of any animals inside or pulling the arrested person's vehicle, or in that person's charge.</p> <p>OKLA. STAT. TIT. 21, § 1686(C)</p> <p>Upon arrest for bear wrestling or horse tripping, law enforcement officers or animal control officers may seize the animals which are the basis for the arrest.</p> <p>OKLA. STAT. TIT. 21, § 1700</p>
<b>12. <u>COURTROOM ANIMAL ADVOCATE PROGRAM</u></b>	-----
<b>13. <u>PROTECTION ORDERS†</u></b>	The court may grant the petitioner exclusive care/possession/control of an animal and prohibit the defendant from contact with the animal

## ANIMAL PROTECTION LAWS OF OKLAHOMA

	<p>or taking/transferring/encumbering/concealing/molesting/attacking/striking/threatening/harming/disposing of the animal.  <b>OKLA. STAT. TIT. 22, §§ 60.2(E), 60.4(I)(1)</b></p>
<p><b>14. <u>RESTITUTION †</u></b></p>	<p>If following a post-seizure hearing, the court finds the owner has abandoned or neglected the animal, the court shall order the owner to pay all court costs, reasonable costs of care for the animal, and costs incurred for humanely destroying the animal if ordered.  <b>OKLA. STAT. TIT. 4, § 512(D)</b></p> <p>Mandatory restitution for harming/killing police dog or horse  <b>OKLA. STAT. TIT. 21 § 649.2</b></p> <p>Mandatory restitution for harming/killing service animal  <b>OKLA. STAT. TIT. 21 § 649.3</b></p> <p>Following a hearing to determine if probable cause exists that a seized animal was abused, the court may order defendant to post a bond to cover the costs of care for the animal.  <b>OKLA. STAT. TIT. 21, § 1680.4(C)</b></p> <p>Costs of care is a lien upon the seized animal.  <b>OKLA. STAT. TIT. 21, § 1686(C)</b></p> <p>A person convicted of bear wrestling or horse tripping may be required to pay restitution for costs of care  <b>OKLA. STAT. TIT. 21, § 1700</b></p> <p>A person convicted of animal cruelty may be required to pay restitution to animal facilities for medical care and boarding costs of victimized animals  <b>OKLA. STAT. TIT. 22 § 991a</b></p>
<p><b>15. <u>FORFEITURE &amp; POSSESSION BANS †</u></b></p>	<p>In pre-conviction hearing, if court determines the owner has abandoned or neglected the animal, the court shall order the animal forfeited.  <b>OKLA STAT, TIT. 4, § 512(C)</b></p> <p>If at a bond hearing the court finds probable cause the animal was abused, the court may order immediate forfeiture. Owner may prevent immediate disposition by posting a bond for costs of care.</p>

## ANIMAL PROTECTION LAWS OF OKLAHOMA

	<p>OKLA. STAT. TIT. 21, § 1680.4(C)</p> <p>Upon conviction for cockfighting birds used in the violation will be forfeited</p> <p>OKLA. STAT. TIT. 21, § 1692.7</p> <p>Upon a conviction for dogfighting, fighting dogs will be forfeited or destroyed</p> <p>OKLA. STAT. TIT. 21, § 1699</p> <p>Upon conviction for bear wrestling or horse tripping, the court may ordered the animals forfeited</p> <p>OKLA. STAT. TIT. 21, § 1700(C)</p>
<b>16. <u>COURT-ORDERED TREATMENT</u><sup>†</sup></b>	----
<b>17. <u>HOT CARS</u></b>	----
<b>18. <u>CIVIL NUISANCE ABATEMENT</u></b>	----
<b>19. <u>AG-GAG LAWS</u></b>	----
<b>20. <u>BREED SPECIFIC LEGISLATION</u></b>	<p>Potentially dangerous or dangerous dogs may be regulated through local, municipal and county authorities, provided the regulations are not breed-specific.</p> <p>OKLA. STAT. TIT. 4 § 46</p>

\* States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.

\*\* Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.

† This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.

## ANIMAL PROTECTION LAWS OF OKLAHOMA

### 1. DEFINITION OF “ANIMAL”

#### OKLA. STAT. TIT. 21, § 1680.1. Definitions.

*As used in this act:*

1. “Animal” means any mammal, bird, fish, reptile or invertebrate, including wild and domesticated species, other than a human being;
2. “Animal facility” means any vehicle, building, structure, farm, ranch or other premises where an animal is kept, handled, transported, housed, exhibited, bred, offered for sale or used in any lawful scientific test, experiment, investigation or educational training;
3. “Person” means any individual, state agency, corporation, association, nonprofit corporation, joint stock company, firm, trust, partnership, two or more persons having a common interest, or other legal entity;
4. “Owner” means a person who has title to the property, possession of the property, or a greater right to the possession of the animal or property than another person;
5. “Possession” means actual care, custody, control or management; and
6. “Effective consent” means consent by the owner or a person legally authorized to act for the owner. Consent is not effective if induced or given by force or fear; by a person the offender knows is not legally authorized to act for the owner; or by a person who by reason of youth, mental disease or defect, or influence of drug or alcohol is known by the offender to be unable to make reasonable decisions.



## ANIMAL PROTECTION LAWS OF OKLAHOMA

### 2. GENERAL CRUELTY

#### OKLA. STAT. TIT. 4 § 511. Definitions.

As used in this act:

1. "Abandon" includes leaving an animal without making reasonable arrangements for assumption of custody by another person; and
2. "Neglect" means unreasonable deprivation of necessary food, care, or shelter.

#### OKLA. STAT. TIT. 21, § 1680.1. Definitions.

As used in this act:

1. "Animal" means any mammal, bird, fish, reptile or invertebrate, including wild and domesticated species, other than a human being;
2. "Animal facility" means any vehicle, building, structure, farm, ranch or other premises where an animal is kept, handled, transported, housed, exhibited, bred, offered for sale or used in any lawful scientific test, experiment, investigation or educational training;
3. "Person" means any individual, state agency, corporation, association, nonprofit corporation, joint stock company, firm, trust, partnership, two or more persons having a common interest, or other legal entity;
4. "Owner" means a person who has title to the property, possession of the property, or a greater right to the possession of the animal or property than another person;
5. "Possession" means actual care, custody, control or management; and
6. "Effective consent" means consent by the owner or a person legally authorized to act for the owner. Consent is not effective if induced or given by force or fear; by a person the offender knows is not legally authorized to act for the owner; or by a person who by reason of youth, mental disease or defect, or influence of drug or alcohol is known by the offender to be unable to make reasonable decisions.

#### OKLA. STAT. TIT. 21, § 1681. Poisoning animals.

Any person who willfully administers poison to any animal, the property of another, and every person who maliciously exposes any poisonous substance with intent that the same shall be taken by any such animal, shall be guilty of a felony and shall be punishable by imprisonment in the State Penitentiary not exceeding three (3) years, or in a county jail not exceeding one (1) year, or by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by both such fine and imprisonment.

## ANIMAL PROTECTION LAWS OF OKLAHOMA

### OKLA. STAT. TIT. 21, § 1685. Cruelty to animals.

*Any person who shall willfully or maliciously torture, destroy or kill, or cruelly beat or injure, maim or mutilate any animal in subjugation or captivity, whether wild or tame, and whether belonging to the person or to another, or deprive any such animal of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall cause, procure or permit any such animal to be so tortured, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty, shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00). Any animal so maltreated or abused shall be considered an abused or neglected animal.*

### OKLA. STAT. TIT. 21, § 1686. Abandoned animals—Euthanasia—Custody of animal following arrest.

- A. *Any person owning or having charge or custody of a maimed, diseased, disabled, or infirm animal who abandons the animal or who allows the animal to lie in a public street, road, or public place one (1) hour after the person receives notice by a duly constituted authority that the animal is disabled or dead, upon conviction, shall be guilty of a misdemeanor.*
- B. Any peace officer or animal control officer may humanely destroy or cause to be humanely destroyed any animal found abandoned and for which no proper care has been given.
- C. When any person who is arrested is, at the time of the arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any peace officer, or animal control officer may take custody of the animal or of the vehicle and its contents, or deliver the animal or the vehicle and its contents into the possession of the police or sheriff of the county or place where the arrest was made, who shall assume the custody thereof. All necessary expenses incurred in taking custody of the animal or of the vehicle and its contents shall be a lien on such property.
- D. For the purpose of the provisions of this section and Section 1691 of this title, the term “abandon” means the voluntary relinquishment of an animal and shall include but shall not be limited to vacating a premises and leaving the animal in or at the premises, or failing to feed the animal or allowing it to stray or wander onto private or public property with the intention of surrendering ownership or custody over the animal.

## ANIMAL PROTECTION LAWS OF OKLAHOMA

### OKLA. STAT. TIT. 21, § 1691. Abandoning of domestic animals along streets or highways or in any public place prohibited.

Any person who deposits any live dog, cat, or other domestic animal along any private or public roadway, or in any other private or public place with the intention of abandoning the domestic animal upon conviction, shall be guilty of a misdemeanor.

### OKLA. STAT. TIT. 21, § 1700. Bear wrestling—horse tripping

- A. *It is unlawful for any person to:*
1. *Promote, engage in, or be employed at a bear wrestling exhibition or horse tripping event;*
  2. *Receive money for the admission of another person to any place where bear wrestling or horse tripping will occur;*
  3. *Sell, purchase, possess, or offer a horse for any horse tripping event;*
  4. *Sell, purchase, possess, or train a bear for any bear wrestling exhibition;*
  5. *Subject a bear to alteration in any form for purposes of bear wrestling including, but not limited to, removal of claws or teeth, or severing tendons; or*
  6. *Give any substance to a bear, inject any substance into a bear, or cause a bear to ingest or inhale any substance for the purposes of bear wrestling.*
- B. *Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine of not more than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment. In addition, the court may require the violator to make restitution and reimbursements to the state, any of its political subdivisions, or to any society which is incorporated for the prevention of cruelty to animals for housing, feeding, or providing medical treatment to any animals used or intended for use in violation of this section.*
- C. *Upon the arrest of any person pursuant to any provision of this section, the arresting law enforcement agency or animal control office shall have authority to seize and take custody of all animals in the possession of the arrested person which are the basis of an arrest pursuant to the provisions of this section. Upon conviction, the court shall have authority to order the forfeiture of all animals seized which are the basis of the conviction pursuant to the provisions of this section. Any animals ordered forfeited may be placed in the custody of a society which is incorporated for the prevention of cruelty to animals.*
- D. *As used in this section, “horse tripping” means to cause an animal of the equine species to fall or lose its balance with the use of a wire, pole, stick, rope or other object. The term does not include the lawful laying down of a horse for medical purposes or for the purposes of identification.*

## ANIMAL PROTECTION LAWS OF OKLAHOMA

### 3. EXEMPTIONS

#### OKLA. STAT. TIT. 4, § 41. Animals chasing or injuring livestock--Right to kill--Liability of owner--Warrantless seizure--Court proceedings--Definitions.

- A. *It shall be lawful for a person to kill any animal of the family canidae or the family felidae found chasing livestock off the premises of the owner of the animal if the person is the owner or occupant of the property on which the animal is chasing the livestock or if the person is authorized to kill such an animal by the owner or occupant of such property.*
- B. The owner of any animal of the family canidae or the family felidae that kills or injures any livestock shall be jointly and severally liable to any person so damaged, to the full amount of the injury done and damages caused, including reasonable attorney fees and litigation expenses.
- C.
1. Any animal control officer or any municipal, county or state law enforcement officer may seize a potentially dangerous dog without a warrant:
    - a. if the dog is continuing to run at large at the time of the seizure,
    - b. if the officer has probable cause to believe the dog is a dangerous dog and the threat to the health, safety and welfare of livestock or persons is of a continuing nature under the circumstances, or
    - c. pursuant to Section 47 of this title.
  2. Any animal seized pursuant to this subsection shall be held by the appropriate animal control authority until the appropriate terms and conditions of release necessary to protect the health, safety and welfare of livestock and persons with whom the dangerous dog may come in contact are established by the supervisor of the animal control authority or a court of competent jurisdiction and agreed to by the owner.
- D.
1. Upon commencement of any civil action to assess damages pursuant to this section, the court upon its own motion, or upon a motion by the plaintiff, and with notice to the defendant, and after a hearing thereon, may issue an order requiring seizure of a dog if the court has found probable cause to believe:
    - a. the dog is a potentially dangerous dog and the threat to the health, safety and welfare of livestock or persons is of a continuing nature under the circumstances, or
    - b. the dog will be adjudicated a common nuisance pursuant to subsection G of this section.
    - c. Any dog seized pursuant to this subsection shall be held by the appropriate animal control authority until conclusion of the civil action or until the court enters an order prescribing the appropriate terms and conditions of release necessary to protect the health, safety and welfare

## ANIMAL PROTECTION LAWS OF OKLAHOMA

of livestock and persons with whom the animal may come in contact.

- E. The cost for the seizure and confinement of an animal as authorized by subsection C or D of this section shall be borne by the owner of the animal. However, in any civil action filed pursuant to this section, if the owner of the animal is the prevailing party, such costs shall be taxed in the case against the nonprevailing party.
- F. Nothing in this section shall be interpreted so as to require any municipality or county to:
  - 1. Operate or maintain an animal welfare facility; or
  - 2. Accept or hold any seized animal from a municipal, county or state law enforcement officer, other than its own.
- G. The court, before whom a recovery is had for any injury or damages as set forth in this section, shall declare the animal found to have occasioned the injury to be a common nuisance, and order the defendant to kill or cause to be killed, such animal within twenty-four (24) hours after the rendition of the judgment. Appeals shall be allowed in all such cases. Any appeals shall be prosecuted in a manner as prescribed by general statutes governing appeals.
- H. The provisions of Sections 45, 46 and 47 of this title shall also apply to a dangerous dog as defined in subsection I of this section.
- I. For purposes of this section:
  - 1. "Livestock" means any cattle, bison, hog, sheep, goat, equine, domesticated rabbits, chicken or other poultry and shall include exotic livestock;
  - 2. "Exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group;
  - 3. "Potentially dangerous dog" means any dog that, while the dog was allowed to run at large off the property of the owner, when unprovoked, on more than one occasion, was found to be chasing or aggressively creating a substantial threat to the health, safety and welfare of livestock or persons;
  - 4. "Dangerous dog" means any dog that, while the dog was allowed to run at large off the property of the owner:
    - a. when unprovoked, killed or injured livestock, or
    - b. has been previously found to be a potentially dangerous dog, the owner having received notice of such by the animal control in writing, and continues to be found chasing or aggressively creating a substantial threat to the health, safety and welfare of livestock or persons;
  - 5. "Animal control authority" means the same as defined in Section 44 of this title;
  - 6. "Animal control officer" means the same as defined in Section 44 of this title; and
  - 7. "Owner" means the same as defined in Section 44 of this title.

## ANIMAL PROTECTION LAWS OF OKLAHOMA

### OKLA. STAT. TIT. 21 § 649.2. Killing, disfiguring, disabling, and other acts committed against a police dog or horse--Penalties--Restitution—Exceptions.

- A. No person shall willfully kill; beat; torture; injure so as to disfigure or disable; administer poison to; set a booby trap device for the purpose of injury so as to disfigure, disable or kill; or pay or agree to pay bounty for purposes of injury so as to disfigure, disable or kill any police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the state or a political subdivision of the state.
- B. Except as provided in subsection C of this section, any person convicted of violating the provisions of this section is guilty of a misdemeanor punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.
- C. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a felony, punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the custody of the Department of Corrections not exceeding five (5) years, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.
- D. *The provisions of this section shall not apply:*
  - 1. *To a peace officer or veterinarian who terminates the life of a police dog or a police horse for the purpose of relieving the dog or horse of undue pain or suffering; or*
  - 2. *If a police dog is off duty and is running loose without supervision of a police officer and gets run over by a motor vehicle or is perceived to be a threat to the public.*

### OKLA. STAT. TIT. 21, § 1692.9. Exemption

*Nothing in this act shall prohibit any of the following:*

- A. *Hunting birds or fowl in accordance with Oklahoma regulation or statute, including but not limited to the sport of hunting game with trained raptors.*
- B. *Agricultural production of fowl for human consumption.*

### OKLA. STAT. TIT. 21, § 1699.2. Exemptions.

*Nothing in this act shall prohibit any of the following:*

## ANIMAL PROTECTION LAWS OF OKLAHOMA

1. *The use of dogs in hunting as permitted by the Game and Fish Code<sup>1</sup> and by the rules and regulations adopted by the Oklahoma Wildlife Conservation Commission;*
2. *The use of dogs in the management of livestock by the owner of such livestock or his employees or agents or other persons in lawful custody thereof;*
3. *The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law; or*
4. *The raising, breeding, keeping or training of dogs or the use of equipment for the raising, breeding, keeping or training of dogs for sale or show purposes.*

### OKLA. STAT. TIT. 21, § 1700. Bear wrestling and horse tripping

- A. It is unlawful for any person to:
  1. Promote, engage in, or be employed at a bear wrestling exhibition or horse tripping event;
  2. Receive money for the admission of another person to any place where bear wrestling or horse tripping will occur;
  3. Sell, purchase, possess, or offer a horse for any horse tripping event;
  4. Sell, purchase, possess, or train a bear for any bear wrestling exhibition;
  5. Subject a bear to alteration in any form for purposes of bear wrestling including, but not limited to, removal of claws or teeth, or severing tendons; or
  6. Give any substance to a bear, inject any substance into a bear, or cause a bear to ingest or inhale any substance for the purposes of bear wrestling.
- B. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine of not more than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment. In addition, the court may require the violator to make restitution and reimbursements to the state, any of its political subdivisions, or to any society which is incorporated for the prevention of cruelty to animals for housing, feeding, or providing medical treatment to any animals used or intended for use in violation of this section.
- C. Upon the arrest of any person pursuant to any provision of this section, the arresting law enforcement agency or animal control office shall have authority to seize and take custody of all animals in the possession of the arrested person which are the basis of an arrest pursuant to the provisions of this section. Upon conviction, the court shall have authority to order the forfeiture of all animals seized which are the basis of the conviction pursuant to the provisions of this section. Any animals ordered forfeited may be placed in the custody of a society which is incorporated for the prevention of cruelty to animals.
- D. As used in this section, "horse tripping" means to cause an animal of the equine species to fall or lose its balance with the use of a wire, pole, stick, rope or other object. *The term does not include the lawful laying down of a horse for medical purposes or for the purposes of identification.*

## ANIMAL PROTECTION LAWS OF OKLAHOMA

### 4. FIGHTING AND RACKETEERING

**NOTE:** statutes pertaining to the [seizure](#), [restitution](#), and [forfeiture](#) of animals used in animal fighting may be found in those respective sections of this document.

#### **OKLA. STAT. TIT. 21, § 1682. Instigating fights between animals.**

*Every person who maliciously, or for any bet, stake or reward, instigates or encourages any fight between animals with the exception of dogs, or instigates or encourages any animal with the exception of dogs to attack, bite, wound or worry another, upon conviction, is guilty of a misdemeanor.*

#### **OKLA. STAT. TIT. 21, § 1683. Keeping places for fighting animals.**

*Every person who keeps any house, pit or other place, to be used in permitting any fight between animals with the exception of dogs or in any other violation of Section 1682 of this title, upon conviction, is guilty of a misdemeanor.*

#### **OKLA. STAT. TIT. 21, § 1692.1. Definitions.**

*As used in this act:*

- A. *“Cockfight” or “cockfighting” is a fight between birds, whether or not fitted with spurs, knives, or gaffs, and whether or not bets or wagers are made on the outcome of the fight, and includes any training fight in which birds are intended or encouraged to attack or fight with one another.*
- B. *“Equipment used for training or handling a fighting bird” includes knives or gaffs, cages, pens, feeding apparatuses, training pens and other related devices and equipment, and is hereby declared contraband and subject to seizure.*

#### **OKLA. STAT. TIT. 21, § 1692.2. Instigating or encouraging cockfight.**

*Every person who willfully instigates or encourages any cockfight, upon conviction, shall be guilty of a felony. The penalty for a violation of this section shall be as provided in Section 8 of this act.*



## ANIMAL PROTECTION LAWS OF OKLAHOMA

### **OKLA. STAT. TIT. 21, § 1692.3. Keeping place, equipment or facilities for cockfighting.**

*Every person who keeps any pit or other place, or knowingly provides any equipment or facilities to be used in permitting any cockfight, upon conviction, shall be guilty of a felony. The penalty for a violation of this section shall be as provided in Section 8 of this act.*

### **OKLA. STAT. TIT. 21, § 1692.4. Servicing or facilitating cockfight.**

*Every person who does any act or performs any service in the furtherance of or to facilitate any cockfight, upon conviction, shall be guilty of a felony. Such activities and services specifically prohibited by this section include, but are not limited to: promoting or refereeing of birds at a cockfight, advertising a cockfight, or serving as a stakes holder of any money wagered on any cockfight. The penalty for a violation of this section shall be as provided in Section 8 of this act.*

### **OKLA. STAT. TIT. 21, § 1692.5. Owning, possessing, keeping or training bird for fighting.**

*Every person who owns, possesses, keeps, or trains any bird with the intent that such bird shall be engaged in a cockfight, upon conviction, shall be guilty of a felony. The penalty for a violation of this section shall be as provided in Section 8 of this act.*

### **OKLA. STAT. TIT. 21, § 1692.6. Spectators.**

*Every person who is knowingly present as a spectator at any place, building, or other site where preparations are being made for a cockfight with the intent to be present at such preparation or cockfight, or is knowingly present at such cockfight, upon conviction shall be guilty of a misdemeanor.*

### **OKLA. STAT. TIT. 21, § 1692.8. Punishment.**

- A. *Every person who is guilty of a felony under any of the provisions of Sections 2, 3, 4, or 5 of this act shall be punished by imprisonment in the state penitentiary for not less than one (1) year nor more than ten (10) years, or shall be fined not less than Two Thousand Dollars (\$2,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.*
- B. *Every person who upon conviction is guilty of any of the provisions of Section 6 of this act shall be punished by imprisonment in the county jail for not more than one (1) year, or shall be fined not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.*

## ANIMAL PROTECTION LAWS OF OKLAHOMA

### OKLA. STAT. TIT. 21, § 1693. Definitions.

As used in this act:

1. *“Equipment used for training or handling a fighting dog” includes harnesses, treadmills, cages, decoys, pens, houses, feeding apparatuses, training pens and other related devices and equipment.*
2. *“Equipment used for transporting a fighting dog” includes any automobile, or other vehicle, and its appurtenances which are intended to be used as a vehicle for transporting a fighting dog to a fight;*
3. *“Concession equipment” includes any stands, equipment or devices intended to be used to sell or otherwise to dispense food, drinks, liquor, souvenirs or spectator comforts;*
4. *“Equipment used to promote or advertise a dogfight” includes any printing presses or similar equipment, any paper, ink, photography equipment, and related items and equipment intended to be used to transport same;*
5. *“Equipment used to stage a dogfight” includes, but is not limited to, dogfighting arenas, bleachers, or spectators’ stands or other seating, tents, canopies, buildings, fences, cages, speakers, public address systems, portable toilet facilities and related equipment; and*
6. *“Fighting dog” includes any dog trained, being trained, intended to be used for training, or intended to be used to attack, bite, wound or worry another dog.*

### OKLA. STAT. TIT. 21, § 1694. Instigating or encouraging dogfight—Felony—Penalty.

*Every person who willfully or for any bet, stake or reward, instigates or encourages any fight between dogs, or instigates or encourages any dog to attack, bite, wound or worry another dog, except in the course of protection of life and property, upon conviction, shall be guilty of a felony, punishable as provided in Section 1699.1 of this title.*

### OKLA. STAT. TIT. 21, § 1695. Keeping place, equipment or facilities for dogfighting—Felony—Penalty.

*Every person who keeps any house, pit or other place, or provides any equipment or facilities to be used in permitting any fight between dogs or in furtherance of any activity described in Section 1693 of this title, upon conviction, shall be guilty of a felony, punishable as provided in Section 1699.1 of this title.*

### OKLA. STAT. TIT. 21, § 1696. Servicing or facilitating dogfight—Felony—Penalty.

*Every person who does any act or performs any service in the furtherance of or to facilitate any dogfight, upon conviction, shall be guilty of a felony. Such activities and services specifically*

## ANIMAL PROTECTION LAWS OF OKLAHOMA

*prohibited by this section include, but are not limited to: Promotion, refereeing, handling of dogs at a fight, transportation of spectators to or from a dogfight, providing concessions at a dogfight, advertising a dogfight, or serving as a stakes holder of any money wagered on any dogfight, punishable as provided in Section 1699.1 of this title.*

### **OKLA. STAT. TIT. 21, § 1697. Owing, possessing, keeping or training dog for fighting—Felony—Penalty.**

*Every person who owns, possesses, keeps or trains any dog with the intent that such dog shall be engaged in an exhibition of fighting with another dog, upon conviction, shall be guilty of a felony, punishable as provided in Section 1699.1 of this title.*

### **OKLA. STAT. TIT. 21, § 1698. Spectators.**

*Every person who is knowingly present as a spectator at any place, building or other site where preparations are being made for an exhibition of dogfighting with the intent to be present at such preparation or fight, or is knowingly present at such exhibition, upon conviction, shall be guilty of a misdemeanor.*

### **OKLA. STAT. TIT. 21, § 1699.1. Punishment.**

- A. *Every person who is guilty of a felony under any of the provisions of Sections 1694, 1695, 1696 and 1697 of this title shall be punished by imprisonment in the State Penitentiary for not less than one (1) year nor more than ten (10) years, or a fine not less than Two Thousand Dollars (\$2,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.*
- B. *Every person who upon conviction is guilty of any of the provisions of Section 1698 of this title shall be punished by imprisonment in the county jail for not more than one (1) year, or shall be fined not more than Five Hundred Dollars (\$500.00).*

### **OKLA. STAT. TIT. 21, § 1700. Bear wrestling and horse tripping**

- A. *It is unlawful for any person to:*
  1. *Promote, engage in, or be employed at a bear wrestling exhibition or horse tripping event;*
  2. *Receive money for the admission of another person to any place where bear wrestling or horse tripping will occur;*
  3. *Sell, purchase, possess, or offer a horse for any horse tripping event;*
  4. *Sell, purchase, possess, or train a bear for any bear wrestling exhibition;*

## ANIMAL PROTECTION LAWS OF OKLAHOMA

5. *Subject a bear to alteration in any form for purposes of bear wrestling including, but not limited to, removal of claws or teeth, or severing tendons; or*
  6. *Give any substance to a bear, inject any substance into a bear, or cause a bear to ingest or inhale any substance for the purposes of bear wrestling.*
- B. *Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine of not more than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment. In addition, the court may require the violator to make restitution and reimbursements to the state, any of its political subdivisions, or to any society which is incorporated for the prevention of cruelty to animals for housing, feeding, or providing medical treatment to any animals used or intended for use in violation of this section.*
- C. *Upon the arrest of any person pursuant to any provision of this section, the arresting law enforcement agency or animal control office shall have authority to seize and take custody of all animals in the possession of the arrested person which are the basis of an arrest pursuant to the provisions of this section. Upon conviction, the court shall have authority to order the forfeiture of all animals seized which are the basis of the conviction pursuant to the provisions of this section. Any animals ordered forfeited may be placed in the custody of a society which is incorporated for the prevention of cruelty to animals.*
- D. *As used in this section, "horse tripping" means to cause an animal of the equine species to fall or lose its balance with the use of a wire, pole, stick, rope or other object. The term does not include the lawful laying down of a horse for medical purposes or for the purposes of identification.*

## ANIMAL PROTECTION LAWS OF OKLAHOMA

### 5. SEXUAL ASSAULT

#### **OKLA. STAT. TIT. 21, § 886. Crime against nature.**

*Every person who is guilty of the detestable and abominable crime against nature, committed with mankind or with a beast, is punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.*

#### **OKLA. STAT. TIT. 21, § 887. Crime against nature, what penetration necessary.**

Any sexual penetration, however slight, is sufficient to complete the crime against nature.

## ANIMAL PROTECTION LAWS OF OKLAHOMA

### 6. CRUELTY TO WORKING ANIMALS

#### **OKLA. STAT. TIT. 21 § 649.2. Killing, disfiguring, disabling, and other acts committed against a police dog or horse—Penalties—Restitution—Exceptions.**

- A. *No person shall willfully kill; beat; torture; injure so as to disfigure or disable; administer poison to; set a booby trap device for the purpose of injury so as to disfigure, disable or kill; or pay or agree to pay bounty for purposes of injury so as to disfigure, disable or kill any police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the state or a political subdivision of the state.*
- B. *Except as provided in subsection C of this section, any person convicted of violating the provisions of this section is guilty of a misdemeanor punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.*
- C. *Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a felony, punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the custody of the Department of Corrections not exceeding five (5) years, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.*
- D. The provisions of this section shall not apply:
  - 1. To a peace officer or veterinarian who terminates the life of a police dog or a police horse for the purpose of relieving the dog or horse of undue pain or suffering; or
  - 2. If a police dog is off duty and is running loose without supervision of a police officer and gets run over by a motor vehicle or is perceived to be a threat to the public.

#### **OKLA. STAT. TIT. 21 § 649.3. Harming, mistreating or killing service animal--Willful interference with service animal's performance--Permitting animal to fight, injure or kill service animal--Penalties--Exemption from registration or license fees.**

- A. *No person shall willfully harm, including torture, torment, beat, mutilate, injure, disable, or otherwise mistreat or kill a service animal that is used for the benefit of any handicapped person in the state.*
- B. *No person including, but not limited to, any municipality or political subdivision of the*

## ANIMAL PROTECTION LAWS OF OKLAHOMA

*state, shall willfully interfere with the lawful performance of any service animal used for the benefit of any handicapped person in the state.*

- C. *Except as provided in subsection D of this section, any person convicted of violating any of the provisions of this section shall be guilty of a misdemeanor, punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment.*
- D. *Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a felony, punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the Department of Corrections not exceeding two (2) years, or by both such fine and imprisonment.*
- E. Any person who encourages, permits or allows an animal owned or kept by such person to fight, injure, disable or kill a service animal used for the benefit of any handicapped person in this state, or to interfere with a service animal in any place where the service animal resides or is performing, shall, upon conviction, be guilty of a misdemeanor punishable as provided in subsection C of this section. In addition to the penalty imposed, the court shall order the violator to make restitution to the owner of the service animal for actual costs and expenses incurred as a direct result of any injury, disability or death caused to the service animal, including but not limited to costs of replacing and training any new service animal when a service animal is killed, disabled or unable to perform due to injury. For purpose of this subsection, when a person informs the owner of an animal that the animal is a threat and requests the owner to control or contain the animal and the owner disregards the request, the owner shall be deemed to have encouraged, permitted or allowed any resulting injury to or interference with a service animal.
- F. Notwithstanding any ordinance in effect as of the effective date of this act, no municipality or political subdivision of the state, or any official thereof, may enact or enforce any ordinance or rule that requires any registration or licensing fee for any service animal as defined in this section that is used for the purpose of guiding or assisting a disabled person who has a sensory, mental, or physical impairment. Any official violating the provisions of this paragraph shall be guilty of a misdemeanor punishable by a fine of not less than Fifty Dollars (\$50.00).
- G. *As used in this section, "service animal" means an animal that is trained for the purpose of guiding or assisting a disabled person who has a sensory, mental, or physical impairment.*

## ANIMAL PROTECTION LAWS OF OKLAHOMA

### 7. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

**NOTE:** All penalties are defined in the substantive statutes, available in the [General Cruelty, Fighting & Racketeering](#), and [Sexual Assault](#) sections of this document.

#### OKLA. STAT. ANN. TIT. 22, § 10. Punishment of misdemeanor

Except in cases where a different punishment is prescribed by this chapter or by some existing provisions of law, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding one (1) year or by a fine not exceeding Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

#### OKLA. STAT. ANN. TIT. 22, § 152. Statute of limitations.

- A. Prosecutions for the crimes of bribery, embezzlement of public money, bonds, securities, assets or property of the state or any county, school district, municipality or other subdivision thereof, or of any misappropriation of public money, bonds, securities, assets or property of the state or any county, school district, municipality or other subdivision thereof, falsification of public records of the state or any county, school district, municipality or other subdivision thereof, and conspiracy to defraud the State of Oklahoma or any county, school district, municipality or other subdivision thereof in any manner or for any purpose shall be commenced within seven (7) years after the discovery of the crime; provided, however, prosecutions for the crimes of embezzlement or misappropriation of public money, bonds, securities, assets or property of any school district, including those relating to student activity funds, or the crime of falsification of public records of any independent school district, the crime of criminal conspiracy, the crime of embezzlement pursuant to Sections 1451 through 1461 of Title 21 of the Oklahoma Statutes, the crime of False Personation or Identity Theft pursuant to Sections 1531 through 1533.3 of Title 21 of the Oklahoma Statutes, the financial exploitation of a vulnerable adult pursuant to Sections 843.1, 843.3 and 843.4 of Title 21 of the Oklahoma Statutes, or Medicaid fraud pursuant to Section 1005 of Title 56 of the Oklahoma Statutes, shall be commenced within five (5) years after the discovery of the crime.
- B. Prosecutions for criminal violations of any state income tax laws shall be commenced within five (5) years after the commission of such violation.
- C.
  1. Prosecutions for sexual crimes against children, specifically rape or forcible sodomy, sodomy, lewd or indecent proposals or acts against children, involving minors in pornography pursuant to Section 886, 888, 1111, 1111.1, 1113, 1114, 1021.2, 1021.3, 1040.12a or 1123 of Title 21 of the Oklahoma Statutes, child abuse pursuant to Section 843.5 of Title 21 of the



## ANIMAL PROTECTION LAWS OF OKLAHOMA

Oklahoma Statutes, and child trafficking pursuant to Section 866 of Title 21 of the Oklahoma Statutes shall be commenced by the forty-fifth birthday of the alleged victim. Prosecutions for such crimes committed against victims eighteen (18) years of age or older shall be commenced within twelve (12) years after the discovery of the crime.

2. However, prosecutions for the crimes listed in paragraph 1 of this subsection may be commenced at any time after the commission of the offense if:
  - a. physical evidence is collected and preserved that is capable of being tested to obtain a profile from deoxyribonucleic acid (DNA), and
  - b. the identity of the offender is subsequently established through the use of a DNA profile using evidence listed in subparagraph a of this paragraph.

A prosecution under this exception must be commenced within three (3) years from the date on which the identity of the suspect is established by DNA testing.

- D. *Prosecutions for criminal violations of any provision of the Oklahoma Wildlife Conservation Code shall be commenced within three (3) years after the commission of such offense.*
- E. Prosecutions for the crime of criminal fraud or workers' compensation fraud pursuant to Section 1541.1, 1541.2, 1662 or 1663 of Title 21 of the Oklahoma Statutes shall commence within three (3) years after the discovery of the crime, but in no event greater than seven (7) years after the commission of the crime.
- F. Prosecution for the crime of false or bogus check pursuant to Section 1541.1, 1541.2, 1541.3 or 1541.4 of Title 21 of the Oklahoma Statutes shall be commenced within five (5) years after the commission of such offense.
- G. Prosecution for the crime of solicitation for murder in the first degree pursuant to Section 701.16 of Title 21 of the Oklahoma Statutes shall be commenced within seven (7) years after the discovery of the crime. For purposes of this subsection, "discovery" means the date upon which the crime is made known to anyone other than a person involved in the solicitation.
- H. *In all other cases a prosecution for a public offense must be commenced within three (3) years after its commission.*
- I. Prosecution for the crime of accessory after the fact must be commenced within the same statute of limitations as that of the felony for which the person acted as an accessory.
- J. Prosecution for the crime of arson pursuant to Section 1401, 1402, 1403, 1404 or 1405 of Title 21 of the Oklahoma Statutes shall be commenced within seven (7) years after the commission of the crime.
- K. *Prosecutions for criminal violations in which a deadly weapon is used to commit a felony or prosecutions for criminal violations in which a deadly weapon is used in an attempt to commit a felony shall be commenced within seven (7) years after the commission of the crime.*
- L. No prosecution under subsection C of this section shall be based upon the memory of the victim that has been recovered through psychotherapy unless there is some

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## ANIMAL PROTECTION LAWS OF OKLAHOMA

evidence independent of such repressed memory.

Any person who knowingly and willfully makes a false claim pursuant to subsection C of this section or a claim that the person knows lacks factual foundation may be reported to local law enforcement for criminal investigation and, upon conviction, shall be guilty of a felony.

- M. As used in paragraph 1 of subsection C of this section, “discovery” means the date that a physical or sexually related crime involving a victim eighteen (18) years of age or older is reported to a law enforcement agency.

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**ANIMAL PROTECTION LAWS OF OKLAHOMA**

**8. CROSS ENFORCEMENT & REPORTING**

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**ANIMAL PROTECTION LAWS OF OKLAHOMA****9. VETERINARY REPORTING & IMMUNITY****OKLA. STAT. TIT. 21, § 1680.3. Veterinarian required to report suspected animal abuse—  
Immunity from civil liability.**

- A. *A veterinarian shall report suspected cases of animal abuse to a local law enforcement agency in the county where the veterinarian is practicing within twenty-four (24) hours of any examination or treatment administered to any animal which the veterinarian reasonably suspects and believes has been abused. The report shall contain the breed and description of the animal together with the name and address of the owner.*
- B. *A veterinarian who files a report as provided in this section shall be immune from civil liability with respect to any report made in good faith.*

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**ANIMAL PROTECTION LAWS OF OKLAHOMA**

**10. LAW ENFORCEMENT POLICIES**

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## ANIMAL PROTECTION LAWS OF OKLAHOMA

### 11. SEIZURE

#### **OKLA. STAT. TIT. 4, § 512. Seizure of abandoned or neglected animals—Divestment of ownership.**

- A. *If a law enforcement officer has reason to believe that an animal has been abandoned or neglected in violation of Sections 1685 or 1692 through 1700 of Title 21 of the Oklahoma Statutes, the officer may apply in a court of competent jurisdiction for a warrant to seize the animal. Upon a showing of probable cause, the court shall issue a warrant and set a hearing within ten (10) calendar days of the date of issuance to determine if a violation of such statutes has occurred. Upon execution of the warrant, the animal shall be impounded and the owner of the animal shall receive written notice of the time and place of a hearing to determine whether the owner's right to ownership of the animal shall be terminated.*
- B. *If the court finds that the owner of the animal has not abandoned or neglected the animal, the court shall order the animal returned to the owner.*
- C. *If the court finds that the owner of the animal has abandoned or neglected the animal, the owner shall be divested of ownership of the animal, and the court shall order:*
  - 1. *The ownership of the animal be transferred to a nonprofit animal shelter, pound or society for the protection of animals so that the animal may be sold or adopted; or*
  - 2. *The animal be humanely destroyed if the court determines that the best interests of the animal or that the public health and safety would be served by doing so.*
- D. *If the court finds that the owner of the animal has abandoned or neglected the animal, the court shall order the owner to pay all court costs, any reasonable costs incurred for housing and caring for the animal during impoundment, and any reasonable costs incurred for humanely destroying the animal if ordered by the court.*

#### **OKLA. STAT. TIT. 21, § 1680.4. Protective custody of abused or neglected animals—Bond hearing.**

- A. *The purpose of this section is to provide a means by which any abused or neglected animal, as described in Section 1685 of Title 21 of the Oklahoma Statutes, may:*
  - 1. *Be removed from its present custody; or*
  - 2. *Be made the subject of an order issued to the owner by the appropriate court to provide care to the animal by the owner of the animal or by another person at a location approved by the court, with the order setting forth the conditions under which the animal will be housed and cared for, and given protection and a humane disposition.*
- B. *Any peace officer or animal control officer may:*

## ANIMAL PROTECTION LAWS OF OKLAHOMA

1. *Specify terms and conditions by which the owner or keeper may maintain custody of the animal at the expense of the owner to provide care for the animal. The specifications shall be counter-signed by the owner or keeper of the animal. Provided, however, that violation of the custody agreement of the animal may result in the impoundment of the animal; or*
  2. *Obtain a court order to take custody of any animal found neglected or cruelly treated by removing the animal from its present location.*
- C.
1. After an animal has been seized and prior to any charges being filed, the agency that took custody of the animal shall, within seven (7) days from the date of seizure, petition the district court in the county in which the animal was seized for a bond hearing to determine the cost and care for the animal. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. If the court finds that probable cause exists that an animal has been abused, the court may order immediate forfeiture of the animal to the agency that took custody of the animal. Provided, however, within seventy-two (72) hours of the order of forfeiture, the person owning or having charge or custody of the animal may post a security bond in an amount determined by the court that is sufficient to reimburse all reasonable and anticipated costs incurred by the agency caring for the animal from the date of seizure. Reasonable costs include, but are not limited to, medical care and boarding of the animal.
  2. The bond shall be placed with the agency that took custody of the animal. The agency shall provide an accounting of expenses to the court when the animal is no longer in the custody of the agency or upon request by the court. The agency may petition the court for a subsequent bond hearing at any time. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. When all expenses covered by the bond are exhausted and a subsequent bond has not been posted, the animal shall be forfeited to the agency.
  3. If the animal is returned to the person who previously owned or had charge or custody of the animal, funds not used for the care of the animal shall be returned.
  4. Nothing in this section shall prevent the euthanasia of a seized animal at any time as determined necessary by a licensed veterinarian of the state.

### **OKLA. STAT. TIT. 21, § 1686. Abandoned animals—Euthanasia—Custody of animal following arrest.**

- A. Any person owning or having charge or custody of a maimed, diseased, disabled, or infirm animal who abandons the animal or who allows the animal to lie in a public street, road, or public place one (1) hour after the person receives notice by a duly

## ANIMAL PROTECTION LAWS OF OKLAHOMA

constituted authority that the animal is disabled or dead, upon conviction, shall be guilty of a misdemeanor.

- B. Any peace officer or animal control officer may humanely destroy or cause to be humanely destroyed any animal found abandoned and for which no proper care has been given.
- C. *When any person who is arrested is, at the time of the arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any peace officer, or animal control officer may take custody of the animal or of the vehicle and its contents, or deliver the animal or the vehicle and its contents into the possession of the police or sheriff of the county or place where the arrest was made, who shall assume the custody thereof. All necessary expenses incurred in taking custody of the animal or of the vehicle and its contents shall be a lien on such property.*
- D. For the purpose of the provisions of this section and Section 1691 of this title, the term “abandon” means the voluntary relinquishment of an animal and shall include but shall not be limited to vacating a premises and leaving the animal in or at the premises, or failing to feed the animal or allowing it to stray or wander onto private or public property with the intention of surrendering ownership or custody over the animal.

### OKLA. STAT. TIT. 21, § 1700. Bear wrestling—horse tripping

- A. It is unlawful for any person to:
  1. Promote, engage in, or be employed at a bear wrestling exhibition or horse tripping event;
  2. Receive money for the admission of another person to any place where bear wrestling or horse tripping will occur;
  3. Sell, purchase, possess, or offer a horse for any horse tripping event;
  4. Sell, purchase, possess, or train a bear for any bear wrestling exhibition;
  5. Subject a bear to alteration in any form for purposes of bear wrestling including, but not limited to, removal of claws or teeth, or severing tendons; or
  6. Give any substance to a bear, inject any substance into a bear, or cause a bear to ingest or inhale any substance for the purposes of bear wrestling.
- B. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine of not more than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment. In addition, the court may require the violator to make restitution and reimbursements to the state, any of its political subdivisions, or to any society which is incorporated for the prevention of cruelty to animals for housing, feeding, or providing medical treatment to any animals used or intended for use in violation of this section.
- C. *Upon the arrest of any person pursuant to any provision of this section, the arresting law enforcement agency or animal control office shall have authority to seize and take custody of all animals in the possession of the arrested person which are the basis of an*



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## ANIMAL PROTECTION LAWS OF OKLAHOMA

*arrest pursuant to the provisions of this section.* Upon conviction, the court shall have authority to order the forfeiture of all animals seized which are the basis of the conviction pursuant to the provisions of this section. Any animals ordered forfeited may be placed in the custody of a society which is incorporated for the prevention of cruelty to animals.

- D. As used in this section, “horse tripping” means to cause an animal of the equine species to fall or lose its balance with the use of a wire, pole, stick, rope or other object. The term does not include the lawful laying down of a horse for medical purposes or for the purposes of identification.

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**ANIMAL PROTECTION LAWS OF OKLAHOMA**

**12. COURTROOM ANIMAL ADVOCATE PROGRAM**

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## ANIMAL PROTECTION LAWS OF OKLAHOMA

### 13. PROTECTION ORDERS

#### OKLA. STAT. TIT. 22, § 60.2. Protective order—Petition—Complaint requirement for certain stalking victims—Fees.

- A. A victim of domestic abuse, a victim of stalking, a victim of harassment, a victim of rape, any adult or emancipated minor household member on behalf of any other family or household member who is a minor or incompetent, or any minor age sixteen (16) or seventeen (17) years may seek relief under the provisions of the Protection from Domestic Abuse Act.
1. The person seeking relief may file a petition for a protective order with the district court in the county in which the victim resides, the county in which the defendant resides, or the county in which the domestic violence occurred. If the person seeking relief is a victim of stalking but is not a family or household member or an individual who is or has been in a dating relationship with the defendant, the person seeking relief must file a complaint against the defendant with the proper law enforcement agency before filing a petition for a protective order with the district court. The person seeking relief shall provide a copy of the complaint that was filed with the law enforcement agency at the full hearing if the complaint is not available from the law enforcement agency. Failure to provide a copy of the complaint filed with the law enforcement agency shall constitute a frivolous filing and the court may assess attorney fees and court costs against the plaintiff pursuant to paragraph 2 of subsection C of this section. The filing of a petition for a protective order shall not require jurisdiction or venue of the criminal offense if either the plaintiff or defendant resides in the county. If a petition has been filed in an action for divorce or separate maintenance and either party to the action files a petition for a protective order in the same county where the action for divorce or separate maintenance is filed, the petition for the protective order may be heard by the court hearing the divorce or separate maintenance action if:
    - a. there is no established protective order docket in such court, or
    - b. the court finds that, in the interest of judicial economy, both actions may be heard together; provided, however, the petition for a protective order, including, but not limited to, a petition in which children are named as petitioners, shall remain a separate action and a separate order shall be entered in the protective order action. Protective orders may be dismissed in favor of restraining orders in the divorce or separate maintenance action if the court specifically finds, upon hearing, that such dismissal is in the best interests of the parties and does not compromise the safety of any petitioner.

If the defendant is a minor child, the petition shall be filed with the court having jurisdiction over juvenile matters.

## ANIMAL PROTECTION LAWS OF OKLAHOMA

2. When the abuse occurs when the court is not open for business, such person may request an emergency temporary order of protection as authorized by Section 40.3 of this title.
- B. The petition forms shall be provided by the clerk of the court. The Administrative Office of the Courts shall develop a standard form for the petition.
- C.
  1. Except as otherwise provided by this section, no filing fee, service of process fee, attorney fees or any other fee or costs shall be charged the plaintiff or victim at any time for filing a petition for a protective order whether a protective order is granted or not granted. The court may assess court costs, service of process fees, attorney fees, other fees and filing fees against the defendant at the hearing on the petition, if a protective order is granted against the defendant; provided, the court shall have authority to waive the costs and fees if the court finds that the party does not have the ability to pay the costs and fees.
  2. If the court makes specific findings that a petition for a protective order has been filed frivolously and no victim exists, the court may assess attorney fees and court costs against the plaintiff.
- D. The person seeking relief shall prepare the petition or, at the request of the plaintiff, the court clerk or the victim-witness coordinator, victim support person, and court case manager shall prepare or assist the plaintiff in preparing the petition.
- E. *The person seeking a protective order may further request the exclusive care, possession, or control of any animal owned, possessed, leased, kept, or held by either the petitioner, defendant or minor child residing in the residence of the petitioner or defendant. The court may order the defendant to make no contact with the animal and forbid the defendant from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.*
- F. A court may not require the victim to seek legal sanctions against the defendant including, but not limited to, divorce, separation, paternity or criminal proceedings prior to hearing a petition for protective order.
- G. A victim of rape, forcible sodomy, a sex offense, kidnapping, assault and battery with a deadly weapon or member of the immediate family of a victim of first-degree murder, as such terms are defined in Section 40 of this title, may petition for an emergency temporary order or emergency ex parte order regardless of any relationship or scenario pursuant to the provisions of this section. The Administrative Office of the Courts shall modify the petition forms as necessary to effectuate the provisions of this subsection.

### **OKLA. STAT. TIT. 22, § 60.4. Service of emergency ex parte order, petition for protective order and notice of hearing—Full hearing—Final protective order.**

- A.
  1. A copy of a petition for a protective order, any notice of hearing and a copy of any emergency temporary order or emergency ex parte order issued by the

## ANIMAL PROTECTION LAWS OF OKLAHOMA

court shall be served upon the defendant in the same manner as a bench warrant. In addition, if the service is to be in another county, the court clerk may issue service to the sheriff by facsimile or other electronic transmission for service by the sheriff and receive the return of service from the sheriff in the same manner. Any fee for service of a petition for protective order, notice of hearing, and emergency ex parte order shall only be charged pursuant to subsection C of Section 60.2 of this title and, if charged, shall be the same as the sheriff's service fee plus mileage expenses.

2. Emergency temporary orders, emergency ex parte orders and notice of hearings shall be given priority for service and can be served twenty-four (24) hours a day when the location of the defendant is known. When service cannot be made upon the defendant by the sheriff, the sheriff may contact another law enforcement officer or a private investigator or private process server to serve the defendant.
  3. An emergency temporary order, emergency ex parte order, a petition for protective order, and a notice of hearing shall have statewide validity and may be transferred to any law enforcement jurisdiction to effect service upon the defendant. The sheriff may transmit the document by electronic means.
  4. The return of service shall be submitted to the sheriff's office or court clerk in the court where the petition, notice of hearing or order was issued.
  5. When the defendant is a minor child who is ordered removed from the residence of the victim, in addition to those documents served upon the defendant, a copy of the petition, notice of hearing and a copy of any temporary order or ex parte order issued by the court shall be delivered with the child to the caretaker of the place where such child is taken pursuant to Section 2-2-101 of Title 10A of the Oklahoma Statutes.
- B.
1. Within fourteen (14) days of the filing of the petition for a protective order, the court shall schedule a full hearing on the petition, if the court finds sufficient grounds within the scope of the Protection from Domestic Abuse Act stated in the petition to hold such a hearing, regardless of whether an emergency temporary order or ex parte order has been previously issued, requested or denied. Provided, however, when the defendant is a minor child who has been removed from the residence pursuant to Section 2-2-101 of Title 10A of the Oklahoma Statutes, the court shall schedule a full hearing on the petition within seventy-two (72) hours, regardless of whether an emergency ex parte order has been previously issued, requested or denied.
  2. The court may schedule a full hearing on the petition for a protective order within seventy-two (72) hours when the court issues an emergency temporary order or ex parte order suspending child visitation rights due to physical violence or threat of abuse.
  3. If service has not been made on the defendant at the time of the hearing, the court shall, at the request of the petitioner, issue a new emergency order

## ANIMAL PROTECTION LAWS OF OKLAHOMA

reflecting a new hearing date and direct service to issue.

4. A petition for a protective order shall, upon the request of the petitioner, renew every fourteen (14) days with a new hearing date assigned until the defendant is served. A petition for a protective order shall not expire unless the petitioner fails to appear at the hearing or fails to request a new order. A petitioner may move to dismiss the petition and emergency or final order at any time, however, a protective order must be dismissed by court order.
  5. Failure to serve the defendant shall not be grounds for dismissal of a petition or an ex parte order unless the victim requests dismissal or fails to appear for the hearing thereon.
- C.
1. At the hearing, the court may impose any terms and conditions in the protective order that the court reasonably believes are necessary to bring about the cessation of domestic abuse against the victim or stalking or harassment of the victim or the immediate family of the victim but shall not impose any term and condition that may compromise the safety of the victim including, but not limited to, mediation, couples counseling, family counseling, parenting classes or joint victim-offender counseling sessions. The court may order the defendant to obtain domestic abuse counseling or treatment in a program certified by the Attorney General at the expense of the defendant pursuant to Section 644 of Title 21 of the Oklahoma Statutes.
  2. If the court grants a protective order and the defendant is a minor child, the court shall order a preliminary inquiry in a juvenile proceeding to determine whether further court action pursuant to the Oklahoma Juvenile Code should be taken against a juvenile defendant.
- D. Final protective orders authorized by this section shall be on a standard form developed by the Administrative Office of the Courts.
- E.
1. After notice and hearing, protective orders authorized by this section may require the defendant to undergo treatment or participate in the court-approved counseling services necessary to bring about cessation of domestic abuse against the victim pursuant to Section 644 of Title 21 of the Oklahoma Statutes but shall not order any treatment or counseling that may compromise the safety of the victim including, but not limited to, mediation, couples counseling, family counseling, parenting classes or joint victim-offender counseling sessions.
  2. The defendant may be required to pay all or any part of the cost of such treatment or counseling services. The court shall not be responsible for such cost.
  3. Should the plaintiff choose to undergo treatment or participate in court-approved counseling services for victims of domestic abuse, the court may order the defendant to pay all or any part of the cost of such treatment or counseling services if the court determines that payment by the defendant is appropriate.
- F. When necessary to protect the victim and when authorized by the court, protective

## ANIMAL PROTECTION LAWS OF OKLAHOMA

orders granted pursuant to the provisions of this section may be served upon the defendant by a peace officer, sheriff, constable, or policeman or other officer whose duty it is to preserve the peace, as defined by Section 99 of Title 21 of the Oklahoma Statutes.

G.

1. Any protective order issued on or after November 1, 2012, pursuant to subsection C of this section shall be:
  - a. for a fixed period not to exceed a period of five (5) years unless extended, modified, vacated or rescinded upon motion by either party or if the court approves any consent agreement entered into by the plaintiff and defendant; provided, if the defendant is incarcerated, the protective order shall remain in full force and effect during the period of incarceration. The period of incarceration, in any jurisdiction, shall not be included in the calculation of the five-year time limitation, or
  - b. continuous upon a specific finding by the court of one of the following:
    - (1) the person has a history of violating the orders of any court or governmental entity,
    - (2) the person has previously been convicted of a violent felony offense,
    - (3) the person has a previous felony conviction for stalking as provided in Section 1173 of Title 21 of the Oklahoma Statutes, or
    - (4) a court order for a final Victim Protection Order has previously been issued against the person in this state or another state.

Further, the court may take into consideration whether the person has a history of domestic violence or a history of other violent acts. The protective order shall remain in effect until modified, vacated or rescinded upon motion by either party or if the court approves any consent agreement entered into by the plaintiff and defendant. If the defendant is incarcerated, the protective order shall remain in full force and effect during the period of incarceration.

2. The court shall notify the parties at the time of the issuance of the protective order of the duration of the protective order.
3. Upon the filing of a motion by either party to modify, extend, or vacate a protective order, a hearing shall be scheduled and notice given to the parties. At the hearing, the issuing court may take such action as is necessary under the circumstances.
4. If a child has been removed from the residence of a parent or custodial adult because of domestic abuse committed by the child, the parent or custodial adult may refuse the return of such child to the residence, unless upon further consideration by the court in a juvenile proceeding, it is determined that the child is no longer a threat and should be allowed to return to the residence.

H.

1. It shall be unlawful for any person to knowingly and willfully seek a protective order against a spouse or ex-spouse pursuant to the Protection from Domestic

## ANIMAL PROTECTION LAWS OF OKLAHOMA

Abuse Act for purposes of harassment, undue advantage, intimidation, or limitation of child visitation rights in any divorce proceeding or separation action without justifiable cause.

2. The violator shall, upon conviction thereof, be guilty of a misdemeanor punishable by imprisonment in the county jail for a period not exceeding one (1) year or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.
  3. A second or subsequent conviction under this subsection shall be a felony punishable by imprisonment in the custody of the Department of Corrections for a period not to exceed two (2) years, or by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.
- I.
1. A protective order issued under the Protection from Domestic Abuse Act shall not in any manner affect title to real property, purport to grant to the parties a divorce or otherwise purport to determine the issues between the parties as to child custody, visitation or visitation schedules, child support or division of property or any other like relief obtainable pursuant to Title 43 of the Oklahoma Statutes, except child visitation orders may be temporarily suspended or modified to protect from threats of abuse or physical violence by the defendant or a threat to violate a custody order. *Orders not affecting title may be entered for good cause found to protect an animal owned by either of the parties or any child living in the household.*
  2. When granting any protective order for the protection of a minor child from violence or threats of abuse, the court shall allow visitation only under conditions that provide adequate supervision and protection to the child while maintaining the integrity of a divorce decree or temporary order.
- J.
1. In order to ensure that a petitioner can maintain an existing wireless telephone number or household utility account, the court, after providing notice and a hearing, may issue an order directing a wireless service provider or public utility provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers of any minor children in the care of the petitioning party or household utility account to the petitioner if the petitioner is not the wireless service or public utility account holder.
  2. The order transferring billing responsibility for and rights to the wireless telephone number or numbers or household utility account to the petitioner shall list the name and billing telephone number of the account holder, the name and contact information of the person to whom the telephone number or numbers or household utility account will be transferred and each telephone number or household utility to be transferred to that person. The court shall ensure that the contact information of the petitioner is not provided to the account holder in proceedings held under this subsection.
  3. Upon issuance, a copy of the final order of protection shall be transmitted, either



## ANIMAL PROTECTION LAWS OF OKLAHOMA

electronically or by certified mail, to the registered agent of the wireless service provider or public utility provider listed with the Secretary of State or Corporation Commission of Oklahoma or electronically to the email address provided by the wireless service provider or public utility provider. Such transmittal shall constitute adequate notice for the wireless service provider or public utility provider.

4. If the wireless service provider or public utility provider cannot operationally or technically effectuate the order due to certain circumstances, the wireless service provider or public utility provider shall notify the petitioner. Such circumstances shall include, but not be limited to, the following:
  - a. the account holder has already terminated the account,
  - b. the differences in network technology prevent the functionality of a mobile device on the network, or
  - c. there are geographic or other limitations on network or service availability.
5. Upon transfer of billing responsibility for and rights to a wireless telephone number or numbers or household utility account to the petitioner under the provisions of this subsection by a wireless service provider or public utility provider, the petitioner shall assume all financial responsibility for the transferred wireless telephone number or numbers or household utility account, monthly service and utility billing costs and costs for any mobile device associated with the wireless telephone number or numbers. The wireless service provider or public utility provider shall have the right to pursue the original account holder for purposes of collecting any past due amounts owed to the wireless service provider or public utility provider.
6. The provisions of this subsection shall not preclude a wireless service provider or public utility provider from applying any routine and customary requirements for account establishment to the petitioner as part of this transfer of billing responsibility for a household utility account or for a wireless telephone number or numbers and any mobile devices attached to that number including, but not limited to, identification, financial information and customer preferences.
7. The provisions of this subsection shall not affect the ability of the court to apportion the assets and debts of the parties as provided for in law or the ability to determine the temporary use, possession and control of personal property.
8. No cause of action shall lie against any wireless service provider or public utility provider, its officers, employees or agents for actions taken in accordance with the terms of a court order issued under the provisions of this subsection.
9. As used in this subsection:
  - a. “wireless service provider” means a provider of commercial mobile service under Section 332(d) of the federal Telecommunications Act of 1996,
  - b. “public utility provider” means every corporation organized or doing business in this state that owns, operates or manages any plant or

## ANIMAL PROTECTION LAWS OF OKLAHOMA

- equipment for the manufacture, production, transmission, transportation, delivery or furnishing of water, heat or light with gas or electric current for heat, light or power, for public use in this state, and
- c. "household utility account" shall include utility services for water, heat, light, power or gas that are provided by a public utility provider.
- K.
1. A court shall not issue any mutual protective orders.
  2. If both parties allege domestic abuse by the other party, the parties shall do so by separate petitions. The court shall review each petition separately, in an individual or a consolidated hearing and grant or deny each petition on its individual merits. If the court finds cause to grant both motions, the court shall do so by separate orders and with specific findings justifying the issuance of each order.
  3. The court may only consolidate a hearing if:
    - a. the court makes specific findings that:
      - (1) sufficient evidence exists of domestic abuse, stalking, harassment or rape against each party, and
      - (2) each party acted primarily as aggressors, and
    - b. the defendant filed a petition with the court for a protective order no less than three (3) days, not including weekends or holidays, prior to the first scheduled full hearing on the petition filed by the plaintiff, and
    - c. the defendant had no less than forty-eight (48) hours of notice prior to the full hearing on the petition filed by the plaintiff.
- L. The court may allow a plaintiff or victim to be accompanied by a victim support person at court proceedings. A victim support person shall not make legal arguments; however, a victim support person who is not a licensed attorney may offer the plaintiff or victim comfort or support and may remain in close proximity to the plaintiff or victim.

## ANIMAL PROTECTION LAWS OF OKLAHOMA

## 14. RESTITUTION

**OKLA. STAT. TIT. 4, § 512. Seizure of abandoned or neglected animals—Divestment of ownership.**

- A. If a law enforcement officer has reason to believe that an animal has been abandoned or neglected in violation of Sections 1685 or 1692 through 1700 of Title 21 of the Oklahoma Statutes, the officer may apply in a court of competent jurisdiction for a warrant to seize the animal. Upon a showing of probable cause, the court shall issue a warrant and set a hearing within ten (10) calendar days of the date of issuance to determine if a violation of such statutes has occurred. Upon execution of the warrant, the animal shall be impounded and the owner of the animal shall receive written notice of the time and place of a hearing to determine whether the owner's right to ownership of the animal shall be terminated.
- B. If the court finds that the owner of the animal has not abandoned or neglected the animal, the court shall order the animal returned to the owner.
- C. If the court finds that the owner of the animal has abandoned or neglected the animal, the owner shall be divested of ownership of the animal, and the court shall order:
  - 1. The ownership of the animal be transferred to a nonprofit animal shelter, pound or society for the protection of animals so that the animal may be sold or adopted; or
  - 2. The animal be humanely destroyed if the court determines that the best interests of the animal or that the public health and safety would be served by doing so.
- D. *If the court finds that the owner of the animal has abandoned or neglected the animal, the court shall order the owner to pay all court costs, any reasonable costs incurred for housing and caring for the animal during impoundment, and any reasonable costs incurred for humanely destroying the animal if ordered by the court.*

**OKLA. STAT. TIT. 21 § 649.2. Killing, disfiguring, disabling, and other acts committed against a police dog or horse--Penalties--Restitution—Exceptions.**

- A. No person shall willfully kill; beat; torture; injure so as to disfigure or disable; administer poison to; set a booby trap device for the purpose of injury so as to disfigure, disable or kill; or pay or agree to pay bounty for purposes of injury so as to disfigure, disable or kill any police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the state or a political subdivision of the state.
- B. Except as provided in subsection C of this section, any person convicted of violating the provisions of this section is guilty of a misdemeanor punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment. *In addition, the*

## ANIMAL PROTECTION LAWS OF OKLAHOMA

*person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.*

- C. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a felony, punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the custody of the Department of Corrections not exceeding five (5) years, or by both such fine and imprisonment. *In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.*
- D. The provisions of this section shall not apply:
1. To a peace officer or veterinarian who terminates the life of a police dog or a police horse for the purpose of relieving the dog or horse of undue pain or suffering; or
  2. If a police dog is off duty and is running loose without supervision of a police officer and gets run over by a motor vehicle or is perceived to be a threat to the public.

### **OKLA. STAT. TIT. 21 § 649.3. Harming, mistreating or killing service animal--Willful interference with service animal's performance--Permitting animal to fight, injure or kill service animal--Penalties--Exemption from registration or license fees.**

- A. No person shall willfully harm, including torture, torment, beat, mutilate, injure, disable, or otherwise mistreat or kill a service animal that is used for the benefit of any handicapped person in the state.
- B. No person including, but not limited to, any municipality or political subdivision of the state, shall willfully interfere with the lawful performance of any service animal used for the benefit of any handicapped person in the state.
- C. Except as provided in subsection D of this section, any person convicted of violating any of the provisions of this section shall be guilty of a misdemeanor, punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment.
- D. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a felony, punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the Department of Corrections not exceeding two (2) years, or by both such fine and imprisonment.
- E. Any person who encourages, permits or allows an animal owned or kept by such person to fight, injure, disable or kill a service animal used for the benefit of any handicapped person in this state, or to interfere with a service animal in any place where the service

## ANIMAL PROTECTION LAWS OF OKLAHOMA

animal resides or is performing, shall, upon conviction, be guilty of a misdemeanor punishable as provided in subsection C of this section. *In addition to the penalty imposed, the court shall order the violator to make restitution to the owner of the service animal for actual costs and expenses incurred as a direct result of any injury, disability or death caused to the service animal, including but not limited to costs of replacing and training any new service animal when a service animal is killed, disabled or unable to perform due to injury.* For purpose of this subsection, when a person informs the owner of an animal that the animal is a threat and requests the owner to control or contain the animal and the owner disregards the request, the owner shall be deemed to have encouraged, permitted or allowed any resulting injury to or interference with a service animal.

- F. Notwithstanding any ordinance in effect as of the effective date of this act, no municipality or political subdivision of the state, or any official thereof, may enact or enforce any ordinance or rule that requires any registration or licensing fee for any service animal as defined in this section that is used for the purpose of guiding or assisting a disabled person who has a sensory, mental, or physical impairment. Any official violating the provisions of this paragraph shall be guilty of a misdemeanor punishable by a fine of not less than Fifty Dollars (\$50.00).
- G. *As used in this section, "service animal" means an animal that is trained for the purpose of guiding or assisting a disabled person who has a sensory, mental, or physical impairment.*

### OKLA. STAT. TIT. 21, § 1680.4. Protective custody of abused or neglected animals—Bond hearing.

- A. The purpose of this section is to provide a means by which any abused or neglected animal, as described in Section 1685 of Title 21 of the Oklahoma Statutes, may:
  - 1. Be removed from its present custody; or
  - 2. Be made the subject of an order issued to the owner by the appropriate court to provide care to the animal by the owner of the animal or by another person at a location approved by the court, with the order setting forth the conditions under which the animal will be housed and cared for, and given protection and a humane disposition.
- B. Any peace officer or animal control officer may:
  - 1. Specify terms and conditions by which the owner or keeper may maintain custody of the animal at the expense of the owner to provide care for the animal. The specifications shall be counter-signed by the owner or keeper of the animal. Provided, however, that violation of the custody agreement of the animal may result in the impoundment of the animal; or
  - 2. Obtain a court order to take custody of any animal found neglected or cruelly treated by removing the animal from its present location.
- C.

## ANIMAL PROTECTION LAWS OF OKLAHOMA

1. *After an animal has been seized and prior to any charges being filed, the agency that took custody of the animal shall, within seven (7) days from the date of seizure, petition the district court in the county in which the animal was seized for a bond hearing to determine the cost and care for the animal. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. If the court finds that probable cause exists that an animal has been abused, the court may order immediate forfeiture of the animal to the agency that took custody of the animal. Provided, however, within seventy-two (72) hours of the order of forfeiture, the person owning or having charge or custody of the animal may post a security bond in an amount determined by the court that is sufficient to reimburse all reasonable and anticipated costs incurred by the agency caring for the animal from the date of seizure. Reasonable costs include, but are not limited to, medical care and boarding of the animal.*
2. *The bond shall be placed with the agency that took custody of the animal. The agency shall provide an accounting of expenses to the court when the animal is no longer in the custody of the agency or upon request by the court. The agency may petition the court for a subsequent bond hearing at any time. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. When all expenses covered by the bond are exhausted and a subsequent bond has not been posted, the animal shall be forfeited to the agency.*
3. *If the animal is returned to the person who previously owned or had charge or custody of the animal, funds not used for the care of the animal shall be returned.*
4. *Nothing in this section shall prevent the euthanasia of a seized animal at any time as determined necessary by a licensed veterinarian of the state.*

### **OKLA. STAT. TIT. 21, § 1686. Abandoned animals—Euthanasia—Custody of animal following arrest.**

- A. Any person owning or having charge or custody of a maimed, diseased, disabled, or infirm animal who abandons the animal or who allows the animal to lie in a public street, road, or public place one (1) hour after the person receives notice by a duly constituted authority that the animal is disabled or dead, upon conviction, shall be guilty of a misdemeanor.
- B. Any peace officer or animal control officer may humanely destroy or cause to be humanely destroyed any animal found abandoned and for which no proper care has been given.
- C. When any person who is arrested is, at the time of the arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any peace officer, or animal control officer may take custody of the animal or of the vehicle and its contents, or deliver the

## ANIMAL PROTECTION LAWS OF OKLAHOMA

animal or the vehicle and its contents into the possession of the police or sheriff of the county or place where the arrest was made, who shall assume the custody thereof. *All necessary expenses incurred in taking custody of the animal or of the vehicle and its contents shall be a lien on such property.*

- D. For the purpose of the provisions of this section and Section 1691 of this title, the term “abandon” means the voluntary relinquishment of an animal and shall include but shall not be limited to vacating a premises and leaving the animal in or at the premises, or failing to feed the animal or allowing it to stray or wander onto private or public property with the intention of surrendering ownership or custody over the animal.

### OKLA. STAT. TIT. 21, § 1700. Bear wrestling—horse tripping

- A. It is unlawful for any person to:
1. Promote, engage in, or be employed at a bear wrestling exhibition or horse tripping event;
  2. Receive money for the admission of another person to any place where bear wrestling or horse tripping will occur;
  3. Sell, purchase, possess, or offer a horse for any horse tripping event;
  4. Sell, purchase, possess, or train a bear for any bear wrestling exhibition;
  5. Subject a bear to alteration in any form for purposes of bear wrestling including, but not limited to, removal of claws or teeth, or severing tendons; or
  6. Give any substance to a bear, inject any substance into a bear, or cause a bear to ingest or inhale any substance for the purposes of bear wrestling.
- B. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine of not more than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment. *In addition, the court may require the violator to make restitution and reimbursements to the state, any of its political subdivisions, or to any society which is incorporated for the prevention of cruelty to animals for housing, feeding, or providing medical treatment to any animals used or intended for use in violation of this section.*
- C. Upon the arrest of any person pursuant to any provision of this section, the arresting law enforcement agency or animal control office shall have authority to seize and take custody of all animals in the possession of the arrested person which are the basis of an arrest pursuant to the provisions of this section. Upon conviction, the court shall have authority to order the forfeiture of all animals seized which are the basis of the conviction pursuant to the provisions of this section. Any animals ordered forfeited may be placed in the custody of a society which is incorporated for the prevention of cruelty to animals.
- D. As used in this section, “horse tripping” means to cause an animal of the equine species to fall or lose its balance with the use of a wire, pole, stick, rope or other object. The term does not include the lawful laying down of a horse for medical purposes or for the purposes of identification.

## ANIMAL PROTECTION LAWS OF OKLAHOMA

**OKLA. STAT. TIT. 22 § 991a. Sentencing powers of court--Alcohol and drug assessment and evaluation--Restitution, fines, or incarceration--Victim impact statements--Probation and monitoring--DNA samples**

**NOTE:** *Inapplicable statutory language has been omitted.*

- A. Except as otherwise provided in the Elderly and Incapacitated Victim's Protection Program, when a defendant is convicted of a crime and no death sentence is imposed, the court shall either:

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*12. In addition to the other sentencing powers of the court, the court, in the case of a person convicted of cruelty to animals pursuant to Section 1685 of Title 21 of the Oklahoma Statutes, may require the person to pay restitution to animal facilities for medical care and any boarding costs of victimized animals;*

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**NOTE:** OKLA. STAT. TIT. 23, § 68 provides exemplary damages for wrongful injuries to animals committed willfully or by gross negligence, in disregard of humanity.



## ANIMAL PROTECTION LAWS OF OKLAHOMA

### 15. FORFEITURE & POSSESSION BANS

#### OKLA. STAT. TIT. 4, § 512. Seizure of abandoned or neglected animals—Divestment of ownership.

- A. If a law enforcement officer has reason to believe that an animal has been abandoned or neglected in violation of Sections 1685 or 1692 through 1700 of Title 21 of the Oklahoma Statutes, the officer may apply in a court of competent jurisdiction for a warrant to seize the animal. Upon a showing of probable cause, the court shall issue a warrant and set a hearing within ten (10) calendar days of the date of issuance to determine if a violation of such statutes has occurred. Upon execution of the warrant, the animal shall be impounded and the owner of the animal shall receive written notice of the time and place of a hearing to determine whether the owner's right to ownership of the animal shall be terminated.
- B. If the court finds that the owner of the animal has not abandoned or neglected the animal, the court shall order the animal returned to the owner.
- C. *If the court finds that the owner of the animal has abandoned or neglected the animal, the owner shall be divested of ownership of the animal, and the court shall order:*
  1. *The ownership of the animal be transferred to a nonprofit animal shelter, pound or society for the protection of animals so that the animal may be sold or adopted; or*
  2. *The animal be humanely destroyed if the court determines that the best interests of the animal or that the public health and safety would be served by doing so.*
- D. If the court finds that the owner of the animal has abandoned or neglected the animal, the court shall order the owner to pay all court costs, any reasonable costs incurred for housing and caring for the animal during impoundment, and any reasonable costs incurred for humanely destroying the animal if ordered by the court.

#### OKLA. STAT. TIT. 21, § 1680.4. Protective custody of abused or neglected animals—Bond hearing.

- A. The purpose of this section is to provide a means by which any abused or neglected animal, as described in Section 1685 of Title 21 of the Oklahoma Statutes, may:
  1. Be removed from its present custody; or
  2. Be made the subject of an order issued to the owner by the appropriate court to provide care to the animal by the owner of the animal or by another person at a location approved by the court, with the order setting forth the conditions under which the animal will be housed and cared for, and given protection and a humane disposition.
- B. Any peace officer or animal control officer may:

## ANIMAL PROTECTION LAWS OF OKLAHOMA

1. Specify terms and conditions by which the owner or keeper may maintain custody of the animal at the expense of the owner to provide care for the animal. The specifications shall be counter-signed by the owner or keeper of the animal. Provided, however, that violation of the custody agreement of the animal may result in the impoundment of the animal; or
2. Obtain a court order to take custody of any animal found neglected or cruelly treated by removing the animal from its present location.

C.

1. *After an animal has been seized and prior to any charges being filed, the agency that took custody of the animal shall, within seven (7) days from the date of seizure, petition the district court in the county in which the animal was seized for a bond hearing to determine the cost and care for the animal. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. If the court finds that probable cause exists that an animal has been abused, the court may order immediate forfeiture of the animal to the agency that took custody of the animal. Provided, however, within seventy-two (72) hours of the order of forfeiture, the person owning or having charge or custody of the animal may post a security bond in an amount determined by the court that is sufficient to reimburse all reasonable and anticipated costs incurred by the agency caring for the animal from the date of seizure. Reasonable costs include, but are not limited to, medical care and boarding of the animal.*
2. *The bond shall be placed with the agency that took custody of the animal. The agency shall provide an accounting of expenses to the court when the animal is no longer in the custody of the agency or upon request by the court. The agency may petition the court for a subsequent bond hearing at any time. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. When all expenses covered by the bond are exhausted and a subsequent bond has not been posted, the animal shall be forfeited to the agency.*
3. If the animal is returned to the person who previously owned or had charge or custody of the animal, funds not used for the care of the animal shall be returned.
4. *Nothing in this section shall prevent the euthanasia of a seized animal at any time as determined necessary by a licensed veterinarian of the state.*

### **OKLA. STAT. TIT. 21, § 1692.7. Seizure, destruction, or forfeiture of cockfighting equipment or facilities.**

*Following the conviction of a person for Sections 2, 3, 4, or 5 of this act, the court entering the judgment shall order that the birds and knives or gaffs used in violation of this act be forfeited*

## ANIMAL PROTECTION LAWS OF OKLAHOMA

*to the state, and may order that any and all equipment described in Section 1 used in violation of this act be forfeited to the state.*

### **OKLA. STAT. TIT. 21, § 1699. Seizure, destruction or forfeiture of dogfighting equipment and facilities.**

*Following the conviction of a person for the offense of keeping a place for fighting dogs, providing facilities for fighting dogs, performing services in the furtherance of dogfighting, training, owning, possessing, handling fighting dogs, the court entering the judgment shall order that the machine, device, gambling equipment, training or handling instruments or equipment, transportation equipment, concession equipment, dogfighting equipment and instruments, and fighting dogs used in violation of this act be destroyed or forfeited to the state.*

### **OKLA. STAT. TIT. 21, § 1700. Bear wrestling—horse tripping**

- A. It is unlawful for any person to:
  1. Promote, engage in, or be employed at a bear wrestling exhibition or horse tripping event;
  2. Receive money for the admission of another person to any place where bear wrestling or horse tripping will occur;
  3. Sell, purchase, possess, or offer a horse for any horse tripping event;
  4. Sell, purchase, possess, or train a bear for any bear wrestling exhibition;
  5. Subject a bear to alteration in any form for purposes of bear wrestling including, but not limited to, removal of claws or teeth, or severing tendons; or
  6. Give any substance to a bear, inject any substance into a bear, or cause a bear to ingest or inhale any substance for the purposes of bear wrestling.
- B. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine of not more than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment. In addition, the court may require the violator to make restitution and reimbursements to the state, any of its political subdivisions, or to any society which is incorporated for the prevention of cruelty to animals for housing, feeding, or providing medical treatment to any animals used or intended for use in violation of this section.
- C. Upon the arrest of any person pursuant to any provision of this section, the arresting law enforcement agency or animal control office shall have authority to seize and take custody of all animals in the possession of the arrested person which are the basis of an arrest pursuant to the provisions of this section. *Upon conviction, the court shall have authority to order the forfeiture of all animals seized which are the basis of the conviction pursuant to the provisions of this section. Any animals ordered forfeited may*

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## ANIMAL PROTECTION LAWS OF OKLAHOMA

*be placed in the custody of a society which is incorporated for the prevention of cruelty to animals.*

- D. As used in this section, “horse tripping” means to cause an animal of the equine species to fall or lose its balance with the use of a wire, pole, stick, rope or other object. The term does not include the lawful laying down of a horse for medical purposes or for the purposes of identification.

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**ANIMAL PROTECTION LAWS OF OKLAHOMA**

**16. COURT-ORDERED TREATMENT**

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**ANIMAL PROTECTION LAWS OF OKLAHOMA**

**17. HOT CARS**

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**ANIMAL PROTECTION LAWS OF OKLAHOMA**

**18. CIVIL NUISANCE ABATEMENT**

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**ANIMAL PROTECTION LAWS OF OKLAHOMA**

**19. AG-GAG LAWS**

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**ANIMAL PROTECTION LAWS OF OKLAHOMA****20. BREED SPECIFIC LEGISLATION****OKLA. STAT. TIT. 4 § 46. Muzzle and restraint of certain dogs required--Local regulation of dangerous dogs--Dogs not to be declared dangerous.**

- A. It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure as defined by Section 44 of this title, unless the dog is muzzled and restrained by a substantial chain or leash and remains under the physical restraint of a responsible person over sixteen (16) years of age. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.
- B. Potentially dangerous or dangerous dogs may be regulated through local, municipal and county authorities, provided the regulations are not breed specific. Nothing in this act shall prohibit such local governments from enforcing penalties for violation of such local laws.
- C. Dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.