

SENATE BILL No. 222

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-22-11-15; IC 14-22-41.

Synopsis: Hunting while intoxicated. Prohibits hunting while intoxicated. Provides that a person who hunts in Indiana impliedly consents to submit to a chemical test to determine if alcohol is present in the person's blood, breath, urine, or other bodily substance. Provides that a person who hunts with a blood or breath alcohol count of at least 0.10% or while intoxicated commits a Class C misdemeanor. Increases the offense to: (1) a Class D felony if the person has a previous conviction for hunting while intoxicated; or (2) a Class C felony if the offense results in the death of another person. Permits a court to order a person convicted of hunting while intoxicated not to hunt for one or two years. Provides that a person who hunts after being ordered not to
(Continued next page)

Effective: July 1, 1999.

Lewis, Server, Wyss

January 6, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Digest Continued

hunt commits a Class A misdemeanor. Permits a court to revoke a person's hunting license for two years if the person has committed a felony offense of hunting while intoxicated.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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SENATE BILL No. 222

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-22-11-15 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. (a) Each license
3 and permit issued under this article is issued upon the express
4 condition, to which the licensee or permittee by acceptance of the
5 license or permit is considered to agree and consent, that the licensee
6 or permittee will obey and comply with the following:
7 (1) All the terms, conditions, and rules:
8 (A) made by the director under this article; and
9 (B) incorporated in or attached to the license or permit when
10 issued.
11 (2) This article.
12 (b) A license or permit may be revoked by the director at any time
13 without refund for any of the following:
14 (1) Failure to comply with or violation of the terms, conditions,
15 rules, or restrictions incorporated in or attached to the license or



1 permit when issued.

2 (2) Violation of this article.

3 (c) A person whose license or permit has been revoked by the
4 director under this article may, by written request to the director, have
5 a hearing on the revocation. Upon receipt of written request for a
6 hearing on the revocation, the director shall do the following:

7 (1) Set a date for the hearing, which may not be more than fifteen
8 (15) days from the date of receipt of the request.

9 (2) Give the person requesting the hearing at least five (5) days
10 notice of the date of the hearing, which shall be held in the office
11 of the director.

12 (3) Receive and keep a record of all evidence presented by the
13 person.

14 (4) After considering the evidence presented at the hearing,
15 rescind or affirm the order revoking the license or permit.

16 (d) Every court having jurisdiction of an offense committed in
17 violation of an Indiana law for the protection of wildlife may, at the
18 court's discretion **(except as provided in subdivisions (4) and (5))**,
19 revoke the license of the offender for any of the following periods:

20 (1) Thirty (30) days.

21 (2) Sixty (60) days.

22 (3) Ninety (90) days.

23 (4) One (1) year. **However, the revocation of a license for one**
24 **(1) year under IC 14-22-41-10(a) is mandatory.**

25 **(5) Two (2) years for an offense committed in violation of**
26 **IC 14-22-41-10(b). The revocation of a license under this**
27 **subdivision is mandatory.**

28 (e) After a revocation, the court shall forward to the division a
29 record of the conviction of the person in the court for a violation of the
30 law. At the time of the conviction, the court shall do the following:

31 (1) Obtain the license certificate of the defendant.

32 (2) Return the license certificate to the division.

33 SECTION 2. IC 14-22-41 IS ADDED TO THE INDIANA CODE
34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 1999]:

36 **Chapter 41. Hunting While Intoxicated**

37 **Sec. 1. As used in this chapter, "chemical test" means an**
38 **analysis of an individual's:**

39 (1) **blood;**

40 (2) **breath;**

41 (3) **urine; or**

42 (4) **other bodily substance;**



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1 for the determination of the presence of alcohol or a controlled
2 substance.

3 Sec. 2. As used in this chapter, "controlled substance" has the
4 meaning set forth in IC 35-48-1-9.

5 Sec. 3. As used in this chapter, "intoxicated" means under the
6 influence of:

- 7 (1) alcohol;
8 (2) a controlled substance;
9 (3) any drug (as defined in IC 9-13-2-49.1) other than alcohol
10 or a controlled substance; or
11 (4) any combination of alcohol, controlled substances, or
12 drugs;

13 so that there is an impaired condition of thought and action and the
14 loss of normal control of an individual's faculties to such an extent
15 as to endanger any person.

16 Sec. 4. As used in this chapter, "law enforcement officer" has
17 the meaning set forth in IC 35-41-1-17.

18 Sec. 5. As used in this chapter, "prima facie evidence of
19 intoxication" includes evidence that at the time of an alleged
20 violation there was at least ten-hundredths percent (0.10%) of
21 alcohol by weight in grams in:

- 22 (1) one hundred (100) milliliters of the person's blood; or
23 (2) two hundred ten (210) liters of the person's breath.

24 Sec. 6. As used in this chapter, "relevant evidence" includes
25 evidence that at the time of the alleged violation there was at least
26 five-hundredths percent (0.05%) but less than ten-hundredths
27 percent (0.10%) of alcohol by weight in grams in:

- 28 (1) one hundred (100) milliliters of the person's blood; or
29 (2) two hundred ten (210) liters of the person's breath.

30 Sec. 7. As used in this chapter, "serious bodily injury" has the
31 meaning set forth in IC 35-41-1-25.

32 Sec. 8. (a) Except as provided in subsections (b) and (c), a person
33 who hunts:

- 34 (1) with at least ten-hundredths percent (0.10%) of alcohol by
35 weight in grams in:

- 36 (A) one hundred (100) milliliters of the person's blood; or
37 (B) two hundred ten (210) liters of the person's breath; or

- 38 (2) while intoxicated;

39 commits hunting while intoxicated, a Class C misdemeanor.

40 (b) The offense is a Class D felony if:

- 41 (1) the person has a previous conviction under this chapter; or
42 (2) the offense results in serious bodily injury to another

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- 1 **person.**
- 2 (c) The offense is a Class C felony if the offense results in the
- 3 **death of another person.**
- 4 **Sec. 9. A person who hunts after the person has been ordered**
- 5 **under this chapter not to hunt commits a Class A misdemeanor.**
- 6 **Sec. 10. (a) In addition to any criminal penalties imposed for a**
- 7 **misdemeanor under this chapter, the court shall order the person**
- 8 **to not hunt for at least one (1) year.**
- 9 (b) In addition to any criminal penalty imposed for a felony
- 10 **under this chapter, the court shall order the person to not hunt for**
- 11 **at least two (2) years.**
- 12 **Sec. 11. A person who hunts in Indiana impliedly consents to**
- 13 **submit to the chemical test provisions of this chapter as a condition**
- 14 **of hunting in Indiana. If a person refuses to submit to a chemical**
- 15 **test under this chapter, the court shall order the person to not hunt**
- 16 **for at least one (1) year.**
- 17 **Sec. 12. (a) A law enforcement officer who has probable cause**
- 18 **to believe that a person has committed an offense under this**
- 19 **chapter shall offer the person the opportunity to submit to a**
- 20 **chemical test. It is not necessary for the law enforcement officer to**
- 21 **offer a chemical test to an unconscious person.**
- 22 (b) A law enforcement officer may offer a person more than one
- 23 (1) **chemical test under this chapter. However, all tests must be**
- 24 **administered within three (3) hours after the officer had probable**
- 25 **cause to believe the person violated this chapter.**
- 26 (c) A person must submit to each chemical test offered by a law
- 27 enforcement officer to comply with the implied consent provisions
- 28 of this chapter.
- 29 **Sec. 13. (a) If a chemical test results in relevant evidence that**
- 30 **the person is intoxicated, the person may be arrested for an offense**
- 31 **under this chapter.**
- 32 (b) If a chemical test results in prima facie evidence that the
- 33 person is intoxicated, the person shall be arrested for an offense
- 34 under this chapter.
- 35 (c) A person who refuses to submit to a chemical test may be
- 36 arrested for an offense under this chapter.
- 37 (d) At a proceeding under this chapter, a person's refusal to
- 38 submit to a chemical test is admissible into evidence.
- 39 **Sec. 14. (a) The provisions of IC 9-30-6-5 concerning the**
- 40 **certification and use of chemical breath tests apply to the use of**
- 41 **chemical breath tests in a prosecution under this chapter.**
- 42 (b) IC 9-30-6-6 applies to chemical tests performed under this

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chapter.

Sec. 15. If a person refuses to submit to a chemical test under this chapter, the law enforcement officer shall inform the person that the person's refusal will result in the suspension of the person's hunting privileges.

Sec. 16. The prosecuting attorney of the county in which an alleged violation of this chapter occurs shall represent the state in a proceeding under this chapter.

Sec. 17. At a proceeding concerning an offense under this chapter, evidence of the amount by weight of alcohol that was in the blood or breath of the person charged with the offense at the time of the alleged violation, as shown by an analysis of the person's:

- (1) breath;**
 - (2) blood;**
 - (3) urine; or**
 - (4) other bodily substance;**
- is admissible.**

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