



Reprinted
February 22, 2000

ENGROSSED SENATE BILL No. 139

DIGEST OF SB 139 (Updated February 21, 2000 3:39 PM - DI 51)

Citations Affected: IC 14-8; IC 14-22.

Synopsis: Regulation of falconry and trapping. Allows white tail deer to be hunted in a shooting preserve with a bow or firearm at any time during either the bow hunting season or the firearm hunting season. Provides for the regulation of trapping and raptors. (The introduced version of this bill was prepared by the natural resources study committee.)

Effective: July 1, 2000.

Lewis, Wheeler

(HOUSE SPONSORS — LYTLE, MANGUS)

November 23, 1999, read first time and referred to Committee on Natural Resources.
January 25, 2000, reported favorably — Do Pass.
January 31, 2000, read second time, ordered engrossed. Engrossed.
February 1, 2000, read third time, passed. Yeas 46, nays 4.

HOUSE ACTION

February 7, 2000, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.
February 16, 2000, reported — Do Pass.
February 21, 2000, read second time, amended, ordered engrossed.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

ENGROSSED SENATE BILL No. 139

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 14-8-2-27.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 27.5. "Bow", for
3 purposes of **IC 14-22-31 and** IC 14-22-40, has the meaning set forth
4 in IC 14-22-40-1.

5 SECTION 2. IC 14-8-2-91.5 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 91.5. "Firearm", for
7 purposes of **IC 14-22-31 and** IC 14-22-40, has the meaning set forth
8 in IC 14-22-40-3.

9 SECTION 3. IC 14-8-2-122.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2000]: **Sec. 122.5. "Highway", for purposes**
12 **of IC 14-22-10-11, has the meaning set forth in IC 8-23-1-23.**

13 SECTION 4. IC 14-8-2-222.5 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2000]: **Sec. 222.5. "Public highway", for**
16 **purposes of IC 14-22-10-11, has the meaning set forth in**
17 **IC 8-2.1-17-14.**

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1 SECTION 5. IC 14-8-2-228.5 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2000]: **Sec. 228.5. "Raptor", for purposes of**
 4 **IC 14-22-10-11, has the meaning set forth in IC 14-22-10-11(a).**

5 SECTION 6. IC 14-8-2-289 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 289. "Unit of local
 7 government", for purposes of IC 14-12-1 ~~has the meaning set forth in~~
 8 ~~IC 14-12-1-3~~ **and IC 14-22-10, means a:**

- 9 (1) county;
 10 (2) city;
 11 (3) town; or
 12 (4) township;

13 **located in Indiana.**

14 SECTION 7. IC 14-22-10-10 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2000]: **Sec. 10. (a) Except as provided in**
 17 **subsection (b), the state is the sole regulator of the trapping of wild**
 18 **animals in Indiana. Trapping is regulated only by statutes and**
 19 **rules adopted under IC 4-22-2 by authority of statute.**

20 (b) A unit of local government may not regulate in any way the
 21 trapping of wild animals other than the trapping of wild animals
 22 on land, buildings, or other real property owned by the unit of local
 23 government.

24 SECTION 8. IC 14-22-10-11 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2000]: **Sec. 11. (a) As used in this section,**
 27 **"raptor" means a live migratory bird of the Order Falconiformes**
 28 **or the Order Stirgiformes, other than a bald eagle (*Haliaeetus***
 29 **leucocephalus) or a golden eagle (*Aquila chrysaetos*).**

30 (b) Except on land, buildings, or other real property owned by
 31 a unit of local government other than a highway or public highway,
 32 a unit of local government may not regulate in any way the
 33 ownership, possession, sale, transfer, or transportation of a raptor
 34 to the extent that the state of Indiana remains on the list of states
 35 meeting Federal Falconry Standards maintained under 50 CFR
 36 21.29(k).

37 SECTION 9. IC 14-22-31-4 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. Upon receipt of an
 39 application, the department shall do the following:

- 40 (1) Inspect the following:
 41 (A) The proposed shooting preserve.
 42 (B) The facilities for propagating the game birds, **white tail**



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- 1 **deer**, or exotic mammals.
- 2 (C) The cover.
- 3 (D) The capability of the applicant to maintain such an
- 4 operation.
- 5 (2) If found feasible, approve the application and issue a license
- 6 to the applicant.
- 7 SECTION 10. IC 14-22-31-7 IS AMENDED TO READ AS
- 8 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7. A person issued a
- 9 license under section 4 of this chapter may propagate and offer for
- 10 hunting the following animals that are captive reared and released:
- 11 (1) Pheasant, quail, chukar partridges, properly marked mallard
- 12 ducks, and other game bird species that the department
- 13 determines by rule.
- 14 (2) Species of exotic mammals that the department determines by
- 15 rule.
- 16 **(3) White tail deer.**
- 17 SECTION 11. IC 14-22-31-8 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) A person may not
- 19 take game birds, **white tail deer**, and exotic mammals on a shooting
- 20 preserve unless the person has a hunting license required under this
- 21 article, except nonresidents of Indiana who must possess a special
- 22 license to shoot on licensed shooting preserves.
- 23 (b) The department:
- 24 (1) shall issue special licenses; and
- 25 (2) may appoint owners or managers of shooting preserves as
- 26 agents to sell special licenses.
- 27 (c) A special license expires December 31 of the year issued.
- 28 (d) The fee for a special license is eight dollars and seventy-five
- 29 cents (\$8.75). All fees shall be deposited in the fish and wildlife fund.
- 30 SECTION 12. IC 14-22-31-9 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 9. **(a) Except for white**
- 32 **tail deer**, a person may take wild animals from a shooting preserve
- 33 only during September, October, November, December, January,
- 34 February, March, or April.
- 35 **(b) A person may take white tail deer from a shooting preserve**
- 36 **with a bow or a firearm during any season established by the**
- 37 **director under IC 14-22-2-6 to take a deer with any of the**
- 38 **following:**
- 39 **(1) A bow and arrow.**
- 40 **(2) A firearm.**
- 41 SECTION 13. IC 14-22-31-10 IS AMENDED TO READ AS
- 42 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. The licensee of a

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1 shooting preserve shall issue a bill of sale designating game birds,
2 **white tail deer**, or exotic mammals lawfully taken upon the shooting
3 preserve. The bill of sale must accompany all game birds and exotic
4 mammals removed from the shooting preserve. The licensee shall
5 retain a copy of all bills of sale issued to persons removing game birds,
6 **white tail deer**, or exotic mammals from the shooting preserve. The
7 bills of sale are subject to inspection by the fish and wildlife division
8 at any time.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 139, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 139 as introduced.)

WHEELER, Acting Chairperson

Committee Vote: Yeas 7, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Senate Bill 139, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BISCHOFF, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 139 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 14-8-2-27.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 27.5. "Bow", for purposes of **IC 14-22-31 and** IC 14-22-40, has the meaning set forth in IC 14-22-40-1.

SECTION 2. IC 14-8-2-91.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 91.5. "Firearm", for purposes of **IC 14-22-31 and** IC 14-22-40, has the meaning set forth in IC 14-22-40-3."

Page 2, after line 28, begin a new paragraph and insert:

"SECTION 7. IC 14-22-31-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. Upon receipt of an application, the department shall do the following:

- (1) Inspect the following:
 - (A) The proposed shooting preserve.
 - (B) The facilities for propagating the game birds, **white tail deer**, or exotic mammals.
 - (C) The cover.
 - (D) The capability of the applicant to maintain such an operation.
- (2) If found feasible, approve the application and issue a license to the applicant.

SECTION 8. IC 14-22-31-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7. A person issued a license under section 4 of this chapter may propagate and offer for hunting the following animals that are captive reared and released:

- (1) Pheasant, quail, chukar partridges, properly marked mallard ducks, and other game bird species that the department determines by rule.
- (2) Species of exotic mammals that the department determines by rule.

(3) White tail deer.

SECTION 9. IC 14-22-31-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) A person may not take game birds, **white tail deer**, and exotic mammals on a shooting preserve unless the person has a hunting license required under this article, except nonresidents of Indiana who must possess a special license to shoot on licensed shooting preserves.

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(b) The department:

- (1) shall issue special licenses; and
- (2) may appoint owners or managers of shooting preserves as agents to sell special licenses.

(c) A special license expires December 31 of the year issued.

(d) The fee for a special license is eight dollars and seventy-five cents (\$8.75). All fees shall be deposited in the fish and wildlife fund.

SECTION 10. IC 14-22-31-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 9. **(a) Except for white tail deer**, a person may take wild animals from a shooting preserve only during September, October, November, December, January, February, March, or April.

(b) A person may take white tail deer from a shooting preserve with a bow or a firearm during any season established by the director under IC 14-22-2-6 to take a deer with any of the following:

- (1) A bow and arrow.**
- (2) A firearm.**

SECTION 11. IC 14-22-31-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. The licensee of a shooting preserve shall issue a bill of sale designating game birds, **white tail deer**, or exotic mammals lawfully taken upon the shooting preserve. The bill of sale must accompany all game birds and exotic mammals removed from the shooting preserve. The licensee shall retain a copy of all bills of sale issued to persons removing game birds, **white tail deer**, or exotic mammals from the shooting preserve. The bills of sale are subject to inspection by the fish and wildlife division at any time."

Re-number all SECTIONS consecutively.

(Reference is to ESB 139 as printed February 17, 2000.)

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