



January 27, 2012

HOUSE BILL No. 1221

DIGEST OF HB 1221 (Updated January 24, 2012 6:01 pm - DI 118)

Citations Affected: IC 14-22.

Synopsis: Spotlighting wild animals; fish and wildlife license suspension. Defines "spotlight" as a projected spot of light used to direct a narrow, intense beam on a person, animal, or object. Provides that a person who, between October 1 and January 15, shines a spotlight, searchlight, or other artificial light upon a wild bird or wild animal for the purpose of locating a wild bird or wild animal commits a Class C infraction. Establishes certain exceptions. Requires a court to suspend for two years the hunting, fishing, and trapping license privileges of a person who incurs a second conviction or judgment for shining a light on a wild bird or wild animal. Allows a court to suspend certain fish and wildlife license privileges for two years for a violation of a wildlife protection law.

Effective: July 1, 2012.

Karickhoff, Bacon, VanNatter

January 9, 2012, read first time and referred to Committee on Natural Resources.
January 26, 2012, amended, reported — Do Pass.

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HB 1221—LS 6730/DI 109+



January 27, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1221

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 14-22-6-7, AS AMENDED BY P.L.13-2007,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 7. (a) This section does not apply to an employee
4 of the department or an employee of a federal wildlife management
5 agency who:
6 (1) is acting in the performance of the employee's duties; and
7 (2) has received the express written consent of the director for the
8 employee's action.
9 (b) For the purposes of this section, "spotlight" means a
10 projected spot of light used to direct a narrow, intense beam on a
11 person, animal, or object.
12 (c) A person may not knowingly throw or cast the rays of any
13 spotlight, **searchlight**, or other artificial light:
14 (1) not required by law on a motor vehicle; and
15 (2) in search of or upon any wild bird or wild animal;
16 from a vehicle while the person possesses a firearm, bow, or crossbow,
17 if by throwing or casting the rays a wild bird or wild animal could be

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1 killed. This subsection applies even though the animal is not killed,
2 injured, shot at, or otherwise pursued.

3 ~~(c)~~ (d) A person may not take any wildlife, except furbearing
4 mammals, with the aid of illumination of any spotlight, searchlight, or
5 other artificial light.

6 ~~(d)~~ (e) A person may not shine a spotlight, searchlight, or other
7 artificial light for the purpose of taking, attempting to take, or assisting
8 another person to take a deer.

9 (f) **Except as provided by subsection (d), a person who, after
10 September 30 and before January 16, shines a spotlight,
11 searchlight, or other artificial light upon a wild bird or wild animal
12 for the purpose of locating a wild bird or wild animal commits a
13 Class C infraction. This subsection does not apply to the following:**

14 (1) **The shining of a vehicle's headlights on a wild bird or wild
15 animal while the vehicle is operated in a lawful manner upon
16 a street, highway, or roadway.**

17 (2) **A person using a spotlight, searchlight, or other artificial
18 light on property owned or leased by that person or by a
19 member of that person's immediate family.**

20 (3) **A person using a spotlight, searchlight, or other artificial
21 light in an emergency situation.**

22 (4) **A person engaged in farming operations, including an
23 employee or contractor.**

24 (g) **In addition to any other penalty allowed under this article,
25 if a court:**

26 (1) **convicts or enters judgment against a person for a
27 violation of this section; and**

28 (2) **determines that the person has a prior unrelated
29 conviction or judgment under this section;**

30 **the court shall suspend the person's hunting, fishing, and trapping
31 license privileges for two (2) years.**

32 SECTION 2. IC 14-22-11-15 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) Each license
34 and permit issued under this article is issued upon the express
35 condition, to which the licensee or permittee by acceptance of the
36 license or permit is considered to agree and consent, that the licensee
37 or permittee will obey and comply with the following:

38 (1) All the terms, conditions, and rules:

39 (A) made by the director under this article; and

40 (B) incorporated in or attached to the license or permit when
41 issued.

42 (2) This article.

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- 1 (3) A wildlife law (as defined by IC 14-22-41-4(p)) while the
- 2 licensee is in another jurisdiction that has adopted the wildlife
- 3 violator compact (IC 14-22-41).
- 4 (b) A license or permit may be ~~revoked~~ **suspended** by the director
- 5 at any time without refund for any of the following:
- 6 (1) Failure to comply with or violation of the terms, conditions,
- 7 rules, or restrictions incorporated in or attached to the license or
- 8 permit when issued.
- 9 (2) Violation of this article.
- 10 (3) Violation of a wildlife law (as defined by IC 14-22-41-4(p))
- 11 while the licensee is in another jurisdiction that has adopted the
- 12 wildlife violator compact (IC 14-22-41).
- 13 (c) A person whose license ~~privileges~~ or permit ~~has~~ **privileges have**
- 14 been ~~revoked~~ **suspended** by the director under this article may, by
- 15 written request to the director, have a hearing on the ~~revocation:~~
- 16 **suspension**. Upon receipt of written request for a hearing on the
- 17 ~~revocation:~~ **suspension**, the director shall do the following:
- 18 (1) Set a date for the hearing, which may not be more than fifteen
- 19 (15) days from the date of receipt of the request.
- 20 (2) Give the person requesting the hearing at least five (5) days
- 21 notice of the date of the hearing, which shall be held in the office
- 22 of the director.
- 23 (3) Receive and keep a record of all evidence presented by the
- 24 person.
- 25 (4) After considering the evidence presented at the hearing,
- 26 rescind or affirm the order ~~revoking~~ **suspending** the license
- 27 **privileges** or permit **privileges**.
- 28 (d) Every court having jurisdiction of an offense committed in
- 29 violation of an Indiana law for the protection of wildlife may, at the
- 30 court's discretion, ~~revoke~~ **suspend** the license **privileges** of the
- 31 offender for any of the following periods:
- 32 (1) Thirty (30) days.
- 33 (2) Sixty (60) days.
- 34 (3) Ninety (90) days.
- 35 (4) One (1) year.
- 36 (5) **Two (2) years.**
- 37 (e) After a revocation, the court shall forward to the division a
- 38 record of the conviction of the person in the court for a violation of the
- 39 law. At the time of the conviction, the court shall do the following:
- 40 (1) Obtain the license certificate of the defendant.
- 41 (2) Return the license certificate to the division.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1221, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"(b) For the purposes of this section, "spotlight" means a projected spot of light used to direct a narrow, intense beam on a person, animal, or object."

Page 1, line 9, strike "(b)" and insert "(c)".

Page 1, line 17, strike "(c)" and insert "(d)".

Page 2, line 3, strike "(d)" and insert "(e)".

Page 2, line 6, delete "(e) A" and insert **"(f) Except as provided by subsection (d), a"**.

Page 2, between lines 16 and 17, begin a new line block indented and insert:

"(3) A person using a spotlight, searchlight, or other artificial light in an emergency situation.

(4) A person engaged in farming operations, including an employee or contractor."

Page 2, line 17, delete "(f)" and insert "(g)".

Page 2, delete lines 25 through 28.

and when so amended that said bill do pass.

(Reference is to HB 1221 as introduced.)

EBERHART, Chair

Committee Vote: yeas 10, nays 0.

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