



January 27, 2012

HOUSE BILL No. 1265

DIGEST OF HB 1265 (Updated January 25, 2012 12:40 pm - DI 118)

Citations Affected: IC 14-8; IC 14-22; IC 15-20.

Synopsis: Hunting preserves. Provides for the licensing and operation of hunting preserves on which farm raised and released cervidae and game birds are hunted. Establishes licensing requirements, inspection, and fees. Exempts licensed hunting preserves from the licensing requirements for game breeders and shooting preserves. Provides that hunters on hunting preserves are not required to have a hunting license and are not subject to bag limits. Requires that a transportation tag be purchased and fixed to the leg of each cervidae taken on a hunting preserve. Prohibits computer assisted remote hunting on hunting preserves. Provides that the law under which the county is liable for losses sustained by the owners of certain types of animals are killed or maimed by dogs does not apply to farm raised cervidae and game birds on a hunting preserve.

Effective: July 1, 2012.

Ubelhor, Heaton, Morris

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

C
O
P
Y

HB 1265—LS 7023/DI 77+



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.

C
O
P
Y

HOUSE BILL No. 1265

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 14-8-2-37.6, AS ADDED BY P.L.93-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 37.6. "~~Cervidae~~", For purposes of IC 14-22-20.5
4 ~~has the meaning set forth in IC 14-22-20.5-1.~~ and **IC 14-22-20.7,**
5 **"cervidae" means privately owned members of the cervidae**
6 **family, including deer, elk, moose, reindeer, and caribou.**
7 SECTION 2. IC 14-8-2-111 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 111. "~~Game bird~~", For
9 purposes of IC 14-22-8 ~~has the meaning set forth in IC 14-22-8-2.~~ and
10 **IC 14-22-20.7, "game bird" means pheasant, quail, grouse,**
11 **mourning dove, and wild turkey.**
12 SECTION 3. IC 14-8-2-128.5 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2012]: **Sec. 128.5. "Hunting preserve", for**
15 **purposes of IC 14-22-20.7, has the meaning set forth in**
16 **IC 14-22-20.7-1.**
17 SECTION 4. IC 14-8-2-200.5 IS ADDED TO THE INDIANA

HB 1265—LS 7023/DI 77+



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2012]: **Sec. 200.5. "Permitted animal", for**
 3 **purposes of IC 14-22-20.7, has the meaning set forth in**
 4 **IC 14-22-20.7-3.**

5 SECTION 5. IC 14-8-2-195 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 195. "Owner" has the
 7 following meaning:

8 (1) For purposes of IC 14-11-4, the meaning set forth in
 9 IC 14-11-4-2.

10 (2) For purposes of IC 14-15, a person who has the legal title to
 11 a watercraft.

12 (3) For purposes of IC 14-16-1, the meaning set forth in
 13 IC 14-16-1-6.

14 **(4) For purposes of IC 14-22-20.7, the meaning set forth in**
 15 **IC 14-22-20.7-2.**

16 ~~(4)~~ (5) For purposes of IC 14-25-4, the meaning set forth in
 17 IC 14-25-4-4.

18 ~~(5)~~ (6) For purposes of IC 14-27-7, the meaning set forth in
 19 IC 14-27-7-1.

20 ~~(6)~~ (7) For purposes of IC 14-27-7.5, the meaning set forth in
 21 IC 14-27-7.5-4.

22 ~~(7)~~ (8) For purposes of IC 14-36, the term includes the following:

23 (A) Owners in fee.

24 (B) Life tenants.

25 (C) Tenants for years.

26 (D) Holders of remainder of reversionary interests.

27 (E) Holders of leaseholds or easements.

28 (F) Holders of mineral rights.

29 ~~(8)~~ (9) For purposes of IC 14-37, a person who has the right to
 30 drill into and produce from a pool and to appropriate the oil and
 31 gas produced from the pool for:

32 (A) the person or others; or

33 (B) the person and others.

34 ~~(9)~~ (10) For the purposes of IC 14-22-10-2, the meaning set forth
 35 in IC 14-22-10-2(c).

36 SECTION 6. IC 14-22-20-1 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The department
 38 may, under rules adopted under IC 4-22-2, issue to a resident of
 39 Indiana, upon the payment of a fee of fifteen dollars (\$15), a license to:

40 (1) propagate in captivity; and

41 (2) possess, buy, or sell for this purpose only;

42 game birds, game mammals, or furbearing mammals protected by



C
O
P
Y

- 1 Indiana law.
- 2 (b) The owner of a hunting preserve licensed under
- 3 IC 14-22-20.7 is not required to obtain a game breeders license
- 4 under this section.
- 5 SECTION 7. IC 14-22-20.7 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2012]:
- 8 **Chapter 20.7. Cervidae Hunting Preserves**
- 9 **Sec. 1.** As used in this chapter, "hunting preserve" means an
- 10 area of land where permitted animals are hunted.
- 11 **Sec. 2.** As used in this chapter, "licensed owner" means an
- 12 owner of a hunting preserve who holds a license issued under this
- 13 chapter.
- 14 **Sec. 3.** As used in this chapter, "permitted animal" means the
- 15 following farm raised and released animals:
- 16 (1) Cervidae.
- 17 (2) Game birds, including chukar partridges, properly
- 18 marked mallard ducks, and other bird species.
- 19 **Sec. 4. (a)** The department shall issue an initial hunting preserve
- 20 license to a person who:
- 21 (1) either:
- 22 (A) meets the requirements set forth in this chapter; or
- 23 (B) operated, at any time, a hunting preserve during the
- 24 period beginning January 1, 2005, and ending December
- 25 31, 2011; and
- 26 (2) pays a fee of two hundred and fifty dollars (\$250).
- 27 (b) The department shall annually renew the hunting preserve
- 28 license of a person who:
- 29 (1) meets the requirements set forth in this chapter; and
- 30 (2) pays an annual fee of two hundred and fifty dollars (\$250).
- 31 **Sec. 5.** Permitted animals (including their products) that are:
- 32 (1) raised on a farm in Indiana; or
- 33 (2) legally:
- 34 (A) acquired in Indiana; or
- 35 (B) imported into Indiana;
- 36 in compliance with applicable Indiana board of animal health
- 37 laws and rules;
- 38 are the property of the licensed owner of the hunting preserve
- 39 containing the permitted animals.
- 40 **Sec. 6. (a)** A hunting preserve must provide sufficient space and
- 41 cover to allow permitted animals the opportunity to elude hunters.
- 42 (b) A hunting preserve that allows hunting for cervidae must

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

meet the following requirements:

- (1) If a person begins to operate a preserve after December 31, 2011, the preserve must contain not less than two hundred (200) acres.
- (2) The preserve must be enclosed by a fence that is at least eight feet (8') in height and not more than six inches (6") above the ground.
- (3) Reasonable efforts must be made to clear the preserve of wild deer.
- (4) The preserve may not be bisected by a public road or fencing.
- (5) The fence enclosing the preserve must be marked with signs that meet the specifications of the department.

Sec. 7. (a) Subject to subsection (b), before a hunting preserve may release permitted animals and begin operations under an initial license, the hunting preserve site must pass an inspection by the department and the Indiana board of animal health.

(b) If an owner operated, at any time, a hunting preserve during the period beginning January 1, 2005, and ending December 31, 2011, the owner may release permitted animals and resume the hunting preserve operations when a hunting preserve license is issued without a site inspection.

Sec. 8. If a cervidae escapes from a hunting preserve, the owner must report the escape to the department within twenty-four (24) hours after the escape is discovered.

Sec. 9. (a) The owner of a hunting preserve may not release a privately owned cervidae into the wild.

(b) The owner of a hunting preserve may not release any animal other than a permitted animal onto the site of the hunting preserve.

Sec. 10. (a) A person who takes or hunts a permitted animal on a hunting preserve is not required to have a hunting license.

(b) The department shall provide the licensed owner of a hunting preserve either a transportation tag or a cull tag for every cervidae taken on the hunting preserve. The licensed owner shall pay the department a fee of fifty dollars (\$50) per buck and twenty-five dollars (\$25) per doe for each transportation tag. The department shall provide cull tags to the licensed owner of a hunting preserve without charge.

(c) The owner of a hunting preserve shall cause a transportation tag to be affixed to a leg of each cervidae taken on the hunting preserve.

(d) An individual may not transport or possess a cervidae taken

C
O
P
Y



1 from a hunting preserve without a transportation tag.

2 (e) The owner of a hunting preserve shall provide each hunter
3 with a bill of sale for game birds taken by the hunter from the
4 hunting preserve. The transportation tag affixed to the leg of a
5 cervidae taken on a hunting preserve under subsection (c) is
6 considered to be the bill of sale for the sale of the cervidae by the
7 owner of the hunting preserve to the hunter.

8 (f) An owner of a hunting preserve is not required to purchase
9 a transportation tag for cervidae culled by the owner from the
10 hunting preserve and transported directly for personal
11 consumption, or to a butcher or charity. However, the owner shall
12 cause a cull tag to be affixed to a leg of each cervidae culled by the
13 owner.

14 **Sec. 11. (a) A licensed owner of a hunting preserve must keep**
15 **records of:**

16 (1) the number of each permitted animal species purchased
17 for the hunting preserve;

18 (2) the number of each species harvested in the hunting
19 preserve; and

20 (3) the full name and address of each hunter who takes a
21 permitted animal in the hunting preserve.

22 (b) All information required by this chapter must be recorded
23 on forms supplied by the department. The records must be
24 maintained for a period of two (2) years and must be open for
25 inspection by employees of the department and the Indiana board
26 of animal health during regular business hours.

27 **Sec. 12. (a) Permitted animals may be hunted on a hunting**
28 **preserve licensed under this chapter between one half (1/2) hour**
29 **before sunrise and one half (1/2) hour after sunset, but only from**
30 **August 15 through April 15.**

31 (b) For permitted animals taken on the hunting preserve there
32 is not a bag limit, and both male and female animals may be taken.

33 (c) A licensed owner may charge fees for hunting on the hunting
34 preserve that reflect the class of animal hunted.

35 **Sec. 13. (a) Only weapons that may legally be used in hunting on**
36 **other property in Indiana may be used in hunting on a hunting**
37 **preserve.**

38 (b) A hunting preserve may not allow computer assisted remote
39 hunting.

40 SECTION 8. IC 14-22-31-0.5 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply**

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

to a hunting preserve licensed under IC 14-22-20.7.
SECTION 9. IC 15-20-2-3, AS ADDED BY P.L.2-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a) This section does not apply to farm raised cervidae and game birds on a hunting preserve licensed under IC 14-22-20.7.**

~~(a)~~ **(b)** The following losses and expenses are chargeable to the county in which an attack or exposure occurs:

(1) Damages, less compensation by insurance or otherwise, sustained by the owner of the following stock, fowl, or game killed, maimed, or damaged by a dog:

- (A) Sheep.
- (B) Cattle.
- (C) Horses.
- (D) Swine.
- (E) Goats.
- (F) Mules.
- (G) Chickens.
- (H) Geese.
- (I) Turkeys.
- (J) Ducks.
- (K) Guineas.
- (L) Tame rabbits.
- (M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.
- (N) Bison.
- (O) Farm raised cervidae.
- (P) Ratitae.
- (Q) Camelidae.

(2) The expense of rabies post exposure prophylaxis that is incurred by any person who is bitten by or exposed to a dog known to have rabies.

~~(b)~~ **(c)** Damages are not chargeable to a county under this section for sheep except those claims in which individual damage exists or is shown.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1265, 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 3, line 23, delete "before January 1, 2012, operated a shooting preserve" and insert "**operated, at any time, a hunting preserve during the period beginning January 1, 2005, and ending December 31, 2011; and**".

Page 3, delete lines 24 through 25.

Page 3, line 41, after "animals" insert "**the opportunity**".

Page 4, delete lines 2 through 3, begin a new line block indented and insert:

"(1) If a person begins to operate a preserve after December 31, 2011, the preserve must contain not less than two hundred (200) acres."

Page 4, line 17, delete "If, before January 1, 2012, a hunting preserve met the" and insert "**If an owner operated, at any time, a hunting preserve during the period beginning January 1, 2005, and ending December 31, 2011, the owner may release permitted animals and resume the hunting preserve operations when a hunting preserve license is issued without a site inspection.**".

Page 4, delete lines 18 through 22.

and when so amended that said bill do pass.

(Reference is to HB 1265 as introduced.)

EBERHART, Chair

Committee Vote: yeas 8, nays 4.

C
o
p
y

