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# HOUSE BILL No. 1265

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-8-2; IC 14-22; IC 15-20-2-3.

**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 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.

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## Ubelhor, Heaton, Grubb

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January 9, 2012, read first time and referred to Committee on Natural Resources.

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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. 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



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

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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) before January 1, 2012, operated a shooting preserve  
24 under IC 14-22-31 on the area of land proposed for use  
25 under this chapter as a hunting preserve; 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 to elude hunters.

42 (b) A hunting preserve that allows hunting for cervidae must

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1 meet the following requirements:

2 (1) The preserve must contain not less than one hundred (100)  
3 but not more than six hundred forty (640) contiguous acres.

4 (2) The preserve must be enclosed by a fence that is at least  
5 eight feet (8') in height and not more than six inches (6")  
6 above the ground.

7 (3) Reasonable efforts must be made to clear the preserve of  
8 wild deer.

9 (4) The preserve may not be bisected by a public road or  
10 fencing.

11 (5) The fence enclosing the preserve must be marked with  
12 signs that meet the specifications of the department.

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

17 (b) If, before January 1, 2012, a hunting preserve met the  
18 requirements of and was operated as a shooting preserve under  
19 IC 14-22-31, the owner of the hunting preserve may release  
20 permitted animals and resume hunting preserve operations  
21 without a site inspection when the owner is issued a license for the  
22 hunting preserve under this chapter.

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

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

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

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

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

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

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

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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**

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1 **to a hunting preserve licensed under IC 14-22-20.7.**

2 SECTION 9. IC 15-20-2-3, AS ADDED BY P.L.2-2008, SECTION  
3 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
4 2012]: Sec. 3. **(a) This section does not apply to farm raised  
5 cervidae and game birds on a hunting preserve licensed under  
6 IC 14-22-20.7.**

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

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

12 (A) Sheep.

13 (B) Cattle.

14 (C) Horses.

15 (D) Swine.

16 (E) Goats.

17 (F) Mules.

18 (G) Chickens.

19 (H) Geese.

20 (I) Turkeys.

21 (J) Ducks.

22 (K) Guineas.

23 (L) Tame rabbits.

24 (M) Game birds and game animals held in captivity under  
25 authority of a game breeder's license issued by the department  
26 of natural resources.

27 (N) Bison.

28 (O) Farm raised cervidae.

29 (P) Ratitae.

30 (Q) Camelidae.

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

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

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