



Reprinted  
February 1, 2012

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## SENATE BILL No. 243

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DIGEST OF SB 243 (Updated January 31, 2012 4:46 pm - DI 106)

**Citations Affected:** IC 14-22; IC 35-51.

**Synopsis:** Silencers when hunting. Repeals the law that prohibits the possession or use of a silencer while in the act of hunting. Provides that a person who takes or possesses a deer or wild turkey: (1) unlawfully; (2) by illegal methods; or (3) with illegal devices; while using or possessing a silencer commits a Class C misdemeanor. Makes hunting on private land without the permission of the owner a Class B misdemeanor if the person does so while using a silencer. Makes a technical correction.

**Effective:** July 1, 2012.

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**Grooms, Holdman, Waterman,  
Banks, Head**

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January 4, 2012, read first time and referred to Committee on Judiciary.  
January 26, 2012, reported favorably — Do Pass.  
January 31, 2012, read second time, amended, ordered engrossed.

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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.

## SENATE BILL No. 243

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 IC 14-22-6-11 IS REPEALED [EFFECTIVE JULY 1,  
2 2012]. ~~Sec. 11. (a) This section does not apply to an employee of the~~  
3 ~~department or an employee of a federal wildlife management agency~~  
4 ~~who:~~  
5 ~~(1) is acting in the performance of the employee's duties; and~~  
6 ~~(2) has received the express written consent of the director for the~~  
7 ~~employee's action.~~  
8 ~~(b) A person may not:~~  
9 ~~(1) use or possess an apparatus designed for use with or on a~~  
10 ~~firearm commonly called a silencer; or~~  
11 ~~(2) use or possess a device used as a silencer;~~  
12 ~~in Indiana while in the act of hunting.~~  
13 SECTION 2. IC 14-22-38-4, AS AMENDED BY P.L.2-2008,  
14 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2012]: Sec. 4. (a) A person who:  
16 (1) unlawfully takes or possesses a deer or wild turkey;  
17 (2) takes or possesses a deer or wild turkey by illegal methods or

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1 with illegal devices; or

2 (3) except as provided in subsections (c) and (d), sells, offers to  
3 sell, purchases, or offers to purchase a deer or wild turkey or a  
4 part of a deer or wild turkey;

5 shall reimburse the state five hundred dollars (\$500) for the first  
6 violation and one thousand dollars (\$1,000) for each subsequent  
7 violation.

8 (b) The money shall be deposited in the conservation officers fish  
9 and wildlife fund. This penalty is in addition to any other penalty under  
10 the law.

11 (c) Notwithstanding section 6 of this chapter, if a properly tagged  
12 deer is brought to a meat processing facility and the owner of the deer:

13 (1) fails to pick up the processed deer within a reasonable time;  
14 or

15 (2) notifies the meat processing facility that the owner does not  
16 want the processed deer;

17 the deer meat may be given away by the meat processing facility to  
18 another person. The meat processing facility may charge the person  
19 receiving the deer meat a reasonable and customary processing fee.

20 (d) Notwithstanding section 6 of this chapter, deer meat and  
21 products from farm raised deer that meet the requirements under  
22 IC 15-17 may be sold to the public.

23 (e) **In addition to the reimbursement required under subsection**  
24 **(a), a person who recklessly, knowingly, or intentionally violates**  
25 **subsection (a)(1) or (a)(2) while using or possessing:**

26 (1) **an apparatus designed for use with or on a firearm**  
27 **commonly called a silencer; or**

28 (2) **a device used as a silencer;**

29 **commits unlawful hunting while using a silencer, a Class C**  
30 **misdemeanor.**

31 SECTION 3. IC 14-22-38-4.5 IS ADDED TO THE INDIANA  
32 CODE AS A NEW SECTION TO READ AS FOLLOWS  
33 [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. A person who recklessly,**  
34 **knowingly, or intentionally violates IC 14-22-10-1(1) by hunting on**  
35 **privately owned land without the consent of the owner or tenant**  
36 **while using or possessing:**

37 (1) **an apparatus designed for use with or on a firearm**  
38 **commonly called a silencer; or**

39 (2) **a device used as a silencer;**

40 **commits unauthorized hunting on private land with a silencer, a**  
41 **Class B misdemeanor.**

42 SECTION 4. IC 35-51-14-1, AS ADDED BY P.L.70-2011,

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1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 14:  
 3 IC 14-9-8-19 (Concerning the department of natural resources).  
 4 IC 14-15-3-31 (Concerning watercraft).  
 5 IC 14-15-4-4 (Concerning watercraft accidents).  
 6 IC 14-15-8-8 (Concerning operating a watercraft while  
 7 intoxicated).  
 8 IC 14-15-8-9 (Concerning operating a watercraft while  
 9 intoxicated).  
 10 IC 14-15-9-8 (Concerning divers).  
 11 IC 14-15-11-11 (Concerning motorboat operators).  
 12 IC 14-15-12-13 (Concerning personal watercraft).  
 13 IC 14-16-1-29 (Concerning off-road vehicles).  
 14 IC 14-17-4-8 (Concerning property acquisition).  
 15 ~~IC 14-20-1-25 (Concerning state museums and historic sites).~~  
 16 IC 14-21-1-16 (Concerning historic preservation and archeology).  
 17 IC 14-21-1-26 (Concerning historic preservation and archeology).  
 18 IC 14-21-1-26.5 (Concerning historic preservation and  
 19 archeology).  
 20 IC 14-21-1-27 (Concerning historic preservation and archeology).  
 21 IC 14-21-1-28 (Concerning historic preservation and archeology).  
 22 IC 14-21-1-36 (Concerning historic preservation and archeology).  
 23 IC 14-21-2-5 (Concerning historic preservation and archeology).  
 24 **IC 14-22-13-10 (Concerning commercial fishing licenses).**  
 25 IC 14-22-17-4 (Concerning fish and wildlife).  
 26 IC 14-22-32-3 (Concerning fish and wildlife).  
 27 IC 14-22-34-12 (Concerning fish and wildlife).  
 28 IC 14-22-37-2 (Concerning fish and wildlife).  
 29 IC 14-22-37-3 (Concerning fish and wildlife).  
 30 IC 14-22-38-1 (Concerning fish and wildlife).  
 31 IC 14-22-38-3 (Concerning fish and wildlife).  
 32 **IC 14-22-38-4 (Concerning fish and wildlife).**  
 33 **IC 14-22-38-4.5 (Concerning fish and wildlife).**  
 34 IC 14-22-38-6 (Concerning fish and wildlife).  
 35 IC 14-22-40-6 (Concerning fish and wildlife).  
 36 IC 14-23-7-5 (Concerning forestry).  
 37 IC 14-24-11-4 (Concerning entomology and plant pathology).  
 38 IC 14-26-7-8 (Concerning lakes and reservoirs).  
 39 IC 14-27-6-52 (Concerning levees, dams, and drainage).  
 40 IC 14-29-8-5 (Concerning rivers, streams, and waterways).  
 41 IC 14-31-3-15 (Concerning nature preserves).  
 42 IC 14-31-3-16 (Concerning nature preserves).

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- 1 IC 14-31-3-17 (Concerning nature preserves).
- 2 IC 14-31-3-19 (Concerning nature preserves).
- 3 IC 14-31-3-20 (Concerning nature preserves).
- 4 IC 14-31-3-21 (Concerning nature preserves).
- 5 IC 14-34-2-6 (Concerning surface coal mining and reclamation).
- 6 IC 14-34-16-6 (Concerning surface coal mining and reclamation).
- 7 IC 14-34-16-7 (Concerning surface coal mining and reclamation).
- 8 IC 14-37-13-6 (Concerning oil and gas).

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## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 243, 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 243 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 1.

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 SENATE MOTION

Madam President: I move that Senate Bill 243 be amended to read as follows:

Page 2, line 29, after "commits" insert "**unlawful hunting while using a silencer,**".

Page 2, after line 29, begin a new paragraph and insert:

"SECTION 3. IC 14-22-38-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. A person who recklessly, knowingly, or intentionally violates IC 14-22-10-1(1) by hunting on privately owned land without the consent of the owner or tenant while using or possessing:**

- (1) an apparatus designed for use with or on a firearm commonly called a silencer; or**
- (2) a device used as a silencer;**

**commits unauthorized hunting on private land with a silencer, a Class B misdemeanor.**

SECTION 4. IC 35-51-14-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 14:

- IC 14-9-8-19 (Concerning the department of natural resources).
- IC 14-15-3-31 (Concerning watercraft).
- IC 14-15-4-4 (Concerning watercraft accidents).
- IC 14-15-8-8 (Concerning operating a watercraft while intoxicated).
- IC 14-15-8-9 (Concerning operating a watercraft while intoxicated).
- IC 14-15-9-8 (Concerning divers).
- IC 14-15-11-11 (Concerning motorboat operators).

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IC 14-15-12-13 (Concerning personal watercraft).  
 IC 14-16-1-29 (Concerning off-road vehicles).  
 IC 14-17-4-8 (Concerning property acquisition).  
~~IC 14-20-1-25 (Concerning state museums and historic sites).~~  
 IC 14-21-1-16 (Concerning historic preservation and archeology).  
 IC 14-21-1-26 (Concerning historic preservation and archeology).  
 IC 14-21-1-26.5 (Concerning historic preservation and archeology).  
 IC 14-21-1-27 (Concerning historic preservation and archeology).  
 IC 14-21-1-28 (Concerning historic preservation and archeology).  
 IC 14-21-1-36 (Concerning historic preservation and archeology).  
 IC 14-21-2-5 (Concerning historic preservation and archeology).  
**IC 14-22-13-10 (Concerning commercial fishing licenses).**  
 IC 14-22-17-4 (Concerning fish and wildlife).  
 IC 14-22-32-3 (Concerning fish and wildlife).  
 IC 14-22-34-12 (Concerning fish and wildlife).  
 IC 14-22-37-2 (Concerning fish and wildlife).  
 IC 14-22-37-3 (Concerning fish and wildlife).  
 IC 14-22-38-1 (Concerning fish and wildlife).  
 IC 14-22-38-3 (Concerning fish and wildlife).  
**IC 14-22-38-4 (Concerning fish and wildlife).**  
**IC 14-22-38-4.5 (Concerning fish and wildlife).**  
 IC 14-22-38-6 (Concerning fish and wildlife).  
 IC 14-22-40-6 (Concerning fish and wildlife).  
 IC 14-23-7-5 (Concerning forestry).  
 IC 14-24-11-4 (Concerning entomology and plant pathology).  
 IC 14-26-7-8 (Concerning lakes and reservoirs).  
 IC 14-27-6-52 (Concerning levees, dams, and drainage).  
 IC 14-29-8-5 (Concerning rivers, streams, and waterways).  
 IC 14-31-3-15 (Concerning nature preserves).  
 IC 14-31-3-16 (Concerning nature preserves).  
 IC 14-31-3-17 (Concerning nature preserves).  
 IC 14-31-3-19 (Concerning nature preserves).  
 IC 14-31-3-20 (Concerning nature preserves).  
 IC 14-31-3-21 (Concerning nature preserves).  
 IC 14-34-2-6 (Concerning surface coal mining and reclamation).  
 IC 14-34-16-6 (Concerning surface coal mining and reclamation).  
 IC 14-34-16-7 (Concerning surface coal mining and reclamation).  
 IC 14-37-13-6 (Concerning oil and gas)."

(Reference is to SB 243 as printed January 27, 2012.)

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