January 29, 2013

HOUSE BILL No. 1511

DIGEST OF HB 1511 (Updated January 28, 2013 2:37 pm - DI 77)

Citations Affected: IC 14-22.

Synopsis: Spotlighting wildlife. 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 wildlife for the purpose of locating wildlife 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 has a prior unrelated conviction or judgment for shining a light on wildlife. Provides that certain violations of fish and wildlife law result in suspension of the violator's fish and wildlife license privileges. (Current law provides for the revocation of the license.) 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, 2013.

VanNatter, Karickhoff

January 22, 2013, read first time and referred to Committee on Natural Resources.
January 29, 2013, amended, reported — Do Pass.

C o p y

January 29, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C o p y

HOUSE BILL No. 1511

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:

SECTION 1. IC 14-22-6-7, AS AMENDED BY P.L.151-2012, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) This section does not apply to an employee of the department, an employee of a federal wildlife management agency, or a person who:

(1) is acting in the performance of the employee's or a person's duties or in accordance with the conditions of a license; and

(2) has received the express written consent of the director for the employee's or person's action.

(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.

~~(b)~~ **(c)** An individual may not knowingly throw or cast the rays of any spotlight or other artificial light:

(1) not required by law on a motor vehicle; and

(2) in search of or upon any wild bird or wild animal;

from a vehicle while the person possesses a firearm, bow, or crossbow,

if by throwing or casting the rays a wild bird or wild animal could be killed. This subsection applies even though the animal is not killed, injured, shot at, or otherwise pursued.

~~(c)~~ **(d)** An individual may not take any wildlife, except furbearing mammals, with the aid of illumination of any spotlight, searchlight, or other artificial light.

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

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

(1) The shining of a vehicle's headlights on wildlife while the vehicle is operated in a lawful manner upon a street, highway, or roadway.

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

(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.

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

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

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

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

SECTION 2. IC 14-22-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) Each license and permit issued under this article is issued upon the express condition, to which the licensee or permittee by acceptance of the license or permit is considered to agree and consent, that the licensee or permittee will obey and comply with the following:

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

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

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

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(2) This article.

(3) A wildlife law (as defined by IC 14-22-41-4(p)) while the licensee is in another jurisdiction that has adopted the wildlife violator compact (IC 14-22-41).

(b) A license or permit may be ~~revoked~~ **suspended** by the director at any time without refund for any of the following:

(1) Failure to comply with or violation of the terms, conditions, rules, or restrictions incorporated in or attached to the license or permit when issued.

(2) Violation of this article.

(3) Violation of a wildlife law (as defined by IC 14-22-41-4(p)) while the licensee is in another jurisdiction that has adopted the wildlife violator compact (IC 14-22-41).

(c) A person whose license **privileges** or permit ~~has~~ **privileges have** been ~~revoked~~ **suspended** by the director under this article may, by written request to the director, have a hearing on the ~~revocation.~~ **suspension.** Upon receipt of written request for a hearing on the ~~revocation,~~ **suspension,** the director shall do the following:

(1) Set a date for the hearing, which may not be more than fifteen (15) days from the date of receipt of the request.

(2) Give the person requesting the hearing at least five (5) days notice of the date of the hearing, which shall be held in the office of the director.

(3) Receive and keep a record of all evidence presented by the person.

(4) After considering the evidence presented at the hearing, rescind or affirm the order ~~revoking~~ **suspending** the license **privileges** or permit **privileges.**

(d) Every court having jurisdiction of an offense committed in violation of an Indiana law for the protection of wildlife may, at the court's discretion, ~~revoke~~ **suspend** the license **privileges** of the offender for any of the following periods:

(1) Thirty (30) days.

(2) Sixty (60) days.

(3) Ninety (90) days.

(4) One (1) year.

(5) Two (2) years.

~~(e) After a revocation, the court shall forward to the division a record of the conviction of the person in the court for a violation of the law. At the time of the conviction, the court shall do the following:~~

~~(1) Obtain the license certificate of the defendant.~~

~~(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 1511, 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 2, line 12, delete "a wild bird or wild animal" and insert "**wildlife**".

Page 2, line 13, delete "a wild bird or wild animal" and insert "**wildlife**".

Page 2, line 15, delete "a wild bird or wild" and insert "**wildlife**".

Page 2, line 16, delete "animal".

and when so amended that said bill do pass.

(Reference is to HB 1511 as introduced.)

EBERHART, Chair

Committee Vote: yeas 7, nays 2.

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