

SENATE BILL No. 199

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-22; IC 35-51-14-1.

Synopsis: Using silencer 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 or possessing a silencer.

Effective: July 1, 2013.

Holdman

January 7, 2013, read first time and referred to Committee on Judiciary.

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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.

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SENATE BILL No. 199



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 IC 14-22-6-11 IS REPEALED [EFFECTIVE JULY 1,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 2013]. Sec. 41. (a) This section does not apply to an employee of the
3 department, employee of a federal wildlife management agency, or
4 individual who:

- 5 (1) is acting in the performance of the employee's or individual's
6 duties; and
- 7 (2) has received the express written consent of the director for the
8 employee's or individual's action.

- 9 (b) An individual may not:
10 (1) use or possess an apparatus designed for use with or on a
11 firearm commonly called a silencer; or
12 (2) use or possess a device used as a silencer;

13 in Indiana while in the act of hunting.

14 SECTION 2. IC 14-22-38-4, AS AMENDED BY P.L.2-2008,
15 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2013]: Sec. 4. (a) A person who:

- 17 (1) unlawfully takes or possesses a deer or wild turkey;



- 1 (2) takes or possesses a deer or wild turkey by illegal methods or
 2 with illegal devices; or
 3 (3) except as provided in subsections (c) and (d), sells, offers to
 4 sell, purchases, or offers to purchase a deer or wild turkey or a
 5 part of a deer or wild turkey;
 6 shall reimburse the state five hundred dollars (\$500) for the first
 7 violation and one thousand dollars (\$1,000) for each subsequent
 8 violation.
- 9 (b) The money shall be deposited in the conservation officers fish
 10 and wildlife fund. This penalty is in addition to any other penalty under
 11 the law.
- 12 (c) Notwithstanding section 6 of this chapter, if a properly tagged
 13 deer is brought to a meat processing facility and the owner of the deer:
 14 (1) fails to pick up the processed deer within a reasonable time;
 15 or
 16 (2) notifies the meat processing facility that the owner does not
 17 want the processed deer;
 18 the deer meat may be given away by the meat processing facility to
 19 another person. The meat processing facility may charge the person
 20 receiving the deer meat a reasonable and customary processing fee.
- 21 (d) Notwithstanding section 6 of this chapter, deer meat and
 22 products from farm raised deer that meet the requirements under
 23 IC 15-17 may be sold to the public.
- 24 **(e) In addition to being liable for the reimbursement required**
 25 **under subsection (a), a person who recklessly, knowingly, or**
 26 **intentionally violates subsection (a)(1) or (a)(2) while using or**
 27 **possessing:**
 28 **(1) a sound suppressor designed for use with or on a firearm,**
 29 **commonly called a silencer; or**
 30 **(2) a device used as a silencer;**
 31 **commits unlawful hunting while using or possessing a silencer, a**
 32 **Class C misdemeanor.**
- 33 SECTION 3. IC 14-22-38-4.5 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2013]: **Sec. 4.5. A person who recklessly,**
 36 **knowingly, or intentionally:**
 37 **(1) violates IC 14-22-10-1(1) by hunting on privately owned**
 38 **land without the consent of the owner or tenant; and**
 39 **(2) while committing the violation described in subdivision (1),**
 40 **uses or possesses:**
 41 **(A) a sound suppressor designed for use with or on a**
 42 **firearm commonly called a silencer; or**

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1 **(B) a device used as a silencer;**
 2 **commits unauthorized hunting on private land while using or**
 3 **possessing a silencer, a Class B misdemeanor.**

4 SECTION 4. IC 35-51-14-1, AS AMENDED BY P.L.40-2012,
 5 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 14:

7 IC 14-9-8-19 (Concerning the department of natural resources).

8 IC 14-15-3-31 (Concerning watercraft).

9 IC 14-15-4-4 (Concerning watercraft accidents).

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 14-21-1-16 (Concerning historic preservation and archeology).

16 IC 14-21-1-26 (Concerning historic preservation and archeology).

17 IC 14-21-1-26.5 (Concerning historic preservation and
 18 archeology).

19 IC 14-21-1-27 (Concerning historic preservation and archeology).

20 IC 14-21-1-28 (Concerning historic preservation and archeology).

21 IC 14-21-1-36 (Concerning historic preservation and archeology).

22 IC 14-21-2-5 (Concerning historic preservation and archeology).

23 IC 14-22-13-10 (Concerning commercial fishing licenses).

24 IC 14-22-17-4 (Concerning fish and wildlife).

25 IC 14-22-32-3 (Concerning fish and wildlife).

26 IC 14-22-34-12 (Concerning fish and wildlife).

27 IC 14-22-37-2 (Concerning fish and wildlife).

28 IC 14-22-37-3 (Concerning fish and wildlife).

29 IC 14-22-38-1 (Concerning fish and wildlife).

30 IC 14-22-38-3 (Concerning fish and wildlife).

31 **IC 14-22-38-4 (Concerning fish and wildlife).**

32 **IC 14-22-38-4.5 (Concerning fish and wildlife).**

33 IC 14-22-38-6 (Concerning fish and wildlife).

34 IC 14-22-40-6 (Concerning fish and wildlife).

35 IC 14-23-7-5 (Concerning forestry).

36 IC 14-24-11-4 (Concerning entomology and plant pathology).

37 IC 14-26-7-8 (Concerning lakes and reservoirs).

38 IC 14-27-6-52 (Concerning levees, dams, and drainage).

39 IC 14-29-8-5 (Concerning rivers, streams, and waterways).

40 IC 14-31-3-15 (Concerning nature preserves).

41 IC 14-31-3-16 (Concerning nature preserves).

42 IC 14-31-3-17 (Concerning nature preserves).

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

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