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# HOUSE BILL No. 1194

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-8-2; 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 that are killed or maimed by dogs does not apply to farm raised cervidae and game birds on a hunting preserve.

**Effective:** July 1, 2013.

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### Ubelhor, Heaton, VanNatter

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January 10, 2013, read first time and referred to Committee on Natural Resources.

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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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## HOUSE BILL No. 1194



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, 2013]: 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, 2013]: 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 14-8-2-128.3 IS ADDED TO THE INDIANA
- 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 14 [EFFECTIVE JULY 1, 2013]: **Sec. 128.3. "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, 2013]: **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, 2013]: 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, 2013]: 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, 2013]:

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, 2012; and

26 (2) pays a fee of two hundred 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 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

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1 meet the following requirements:

2 (1) If a person begins to operate a preserve after December  
3 31, 2012, the preserve must contain not less than two hundred  
4 (200) acres.

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

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

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

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

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

18 (b) If an owner operated, at any time, a hunting preserve during  
19 the period beginning January 1, 2005, and ending December 31,  
20 2012, the owner may release permitted animals and resume the  
21 hunting preserve operations when a hunting preserve license is  
22 issued without a site inspection.

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) The 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, 2013]: **Sec. 0.5. This chapter does not apply**

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**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, 2013]: 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.

SECTION 10. IC 15-20-2-4, AS AMENDED BY P.L.1-2009, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A county auditor shall establish procedures in accordance with the requirements of sections ~~3(a)~~ **3(b)** and 6 of this chapter by which a claimant may submit a claim to the county auditor or a designee of the county auditor.

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1 (b) A county auditor who:

2 (1) receives a verified claim under section ~~3(a)~~ **3(b)** of this  
3 chapter from a claimant; and

4 (2) is satisfied that the claim meets the requirements of sections  
5 ~~3(a)~~ **3(b)** and 6 of this chapter;

6 shall immediately issue a warrant or check to the claimant for the  
7 verified amount of the claim. If a county option dog tax adopted under  
8 IC 6-9-39 is not in effect in the county, a claim under this section may  
9 be paid out of nonappropriated funds. A county auditor who is not  
10 satisfied that a claim meets the requirements of sections ~~3(a)~~ **3(b)** and  
11 6 of this chapter shall promptly notify the claimant.

12 (c) A person whose claim under section ~~3(a)~~ **3(b)** of this chapter is  
13 denied by a county auditor may file an action in a court with  
14 jurisdiction to determine whether the county auditor acted in  
15 conformance with the requirements of this section and sections 3 and  
16 6 of this chapter. If the court determines that the county auditor failed  
17 to comply with the requirements of this section or sections 3 and 6 of  
18 this chapter in evaluating the person's claim, the court may fashion an  
19 appropriate remedy, including an order directed to the county auditor  
20 to reconsider the person's claim.

21 SECTION 11. IC 15-20-2-5, AS ADDED BY P.L.2-2008,  
22 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2013]: Sec. 5. A person requiring the treatment described in  
24 section ~~3(a)(2)~~ **3(b)(2)** of this chapter may select the person's own  
25 physician.

26 SECTION 12. IC 15-20-2-6, AS ADDED BY P.L.2-2008,  
27 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2013]: Sec. 6. (a) An owner desiring to make a claim under  
29 section ~~3(a)(1)~~ **3(b)(1)** of this chapter must do the following:

30 (1) Not more than seventy-two (72) hours after the time of the  
31 loss, notify one (1) of the following having jurisdiction in the  
32 location where the loss occurred:

33 (A) A law enforcement officer.

34 (B) An officer of a county or municipal animal control center,  
35 shelter, or similar impounding facility.

36 (2) Not more than twenty (20) days after the time of the loss,  
37 report the loss to the county auditor as follows:

38 (A) Under oath, the owner shall state:

39 (i) the number, age, and value of the stock, fowl, or game;  
40 and

41 (ii) the damages sustained, less compensation by insurance  
42 or otherwise.

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- 1 (B) In an affidavit, the owner must be joined by two (2)
- 2 disinterested and reputable freeholders residing in the
- 3 township in which the stock, fowl, or game were killed,
- 4 maimed, or damaged. The affidavit must state that the
- 5 freeholders are:
- 6 (i) disinterested; and
- 7 (ii) not related by blood or marriage to the claimant.
- 8 (C) An appraisal of the stock, fowl, or game that were killed,
- 9 maimed, or damaged may not exceed the actual cash value of
- 10 the stock, fowl, or game. As it applies to ratitae, cash value
- 11 may not exceed the slaughter value.
- 12 (D) The owner shall provide verification of the loss by an
- 13 officer described in subdivision (1).
- 14 (E) Payment for a loss for property owned by a claimant on the
- 15 last property tax assessment date may not be paid if the
- 16 property was not reported by the owner for assessment
- 17 purposes at that time.

18 (b) In addition to the requirements of subsection (a), the claimant,  
 19 if requested to do so by the county auditor or a person designated by  
 20 the county auditor, must grant the right of subrogation to the county for  
 21 the total amount paid on the claim to the claimant by the county on a  
 22 form prescribed by the county auditor.

23 SECTION 13. IC 15-20-2-7, AS ADDED BY P.L.2-2008,  
 24 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2013]: Sec. 7. (a) An officer who receives notice under  
 26 section 6(a)(1) of this chapter shall visit the scene of the loss, verify the  
 27 loss in writing, and mark each killed, maimed, or damaged animal so  
 28 that the animal can support only one (1) claim under this chapter.

29 (b) A person desiring to make a claim under section ~~3(a)(2)~~ **3(b)(2)**  
 30 of this chapter must provide the county auditor with documentation that  
 31 the person, or a person for whom the claimant is financially  
 32 responsible, underwent rabies post exposure prophylaxis.

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