
HOUSE BILL No. 1226

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-22.

Synopsis: Killing an endangered species; repeat poachers. Makes it a Class D felony for a person to knowingly or intentionally kill a wild bird or wild mammal that is on the endangered species list. Makes it a Class D felony for a person to illegally take a deer or a wild turkey if the person has at least three prior unrelated convictions for illegally taking a deer or a wild turkey in the previous seven years. Increases the amount that a person must reimburse the state for unlawfully taking or possessing a deer, wild turkey, or other wildlife (other than fish) for a third or subsequent violation.

Effective: July 1, 2013.

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January 14, 2013, read first time and referred to Committee on Courts and Criminal Code.

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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. 1226



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 14-22-34-12 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) Except as
- 3 otherwise provided in this chapter, a person may not take, possess,
- 4 transport, export, process, sell or offer for sale, or ship, and a common
- 5 or contract carrier may not knowingly transport or receive for shipment
- 6 a species or subspecies of wildlife appearing on any of the following:
- 7 (1) The list of wildlife indigenous to Indiana determined to be
- 8 endangered in Indiana under this chapter.
- 9 (2) The United States list of endangered wildlife (50 CFR 17.11)
- 10 as in effect on January 1, 1979.
- 11 (3) The list of endangered species developed under section 13 of
- 12 this chapter.
- 13 (b) A species or subspecies of wildlife appearing on a list described
- 14 in subsection (a) that:
- 15 (1) enters Indiana from another state or from a point outside the
- 16 territorial limits of the United States; and
- 17 (2) is transported across Indiana destined for a point beyond



1 Indiana;
 2 may be so entered and transported without restriction in accordance
 3 with the terms of a federal permit or permit issued under the laws of
 4 another state.

5 (c) **Except as provided in subsection (d)**, a person who:

- 6 (1) violates subsection (a) or (b); or
 7 (2) fails to procure or violates the terms of a permit issued under:
 8 (A) section 15 of this chapter; or
 9 (B) section 16 of this chapter;

10 commits a Class A misdemeanor.

11 **(d) A person who knowingly or intentionally kills a wild bird or**
 12 **wild mammal in violation of subsection (a) commits a Class D**
 13 **felony.**

14 SECTION 2. IC 14-22-38-3 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) A person who
 16 takes a deer or a wild turkey in violation of this article commits a Class
 17 B misdemeanor, ~~However, the offense is except as provided in~~
 18 **subsections (b) and (c).**

19 **(b) A person who takes a deer or a wild turkey in violation of**
 20 **this article commits a Class A misdemeanor** if the person has a prior
 21 conviction under:

- 22 (1) IC 14-2-3-8(c) (repealed); or
 23 (2) this section;

24 **except as provided in subsection (c).**

25 **(c) A person who takes a deer or a wild turkey in violation of**
 26 **this article commits a Class D felony if the person has at least three**
 27 **(3) prior unrelated convictions under this section in the previous**
 28 **seven (7) years.**

29 SECTION 3. IC 14-22-38-4, AS AMENDED BY P.L.2-2008,
 30 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2013]: Sec. 4. (a) A person who:

- 32 (1) unlawfully takes or possesses a deer or wild turkey;
 33 (2) takes or possesses a deer or wild turkey by illegal methods or
 34 with illegal devices; or
 35 (3) except as provided in subsections (c) and (d), sells, offers to
 36 sell, purchases, or offers to purchase a deer or wild turkey or a
 37 part of a deer or wild turkey;

38 shall reimburse the state five hundred dollars (\$500) for the first
 39 violation, ~~and~~ one thousand dollars (\$1,000) for ~~each~~ **the second**
 40 **violation, and two thousand dollars (\$2,000) for the third and any**
 41 subsequent violation.

42 (b) The money shall be deposited in the conservation officers fish

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1 and wildlife fund. This penalty is in addition to any other penalty under
2 the law.

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

5 (1) fails to pick up the processed deer within a reasonable time;

6 or

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

9 the deer meat may be given away by the meat processing facility to
10 another person. The meat processing facility may charge the person
11 receiving the deer meat a reasonable and customary processing fee.

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

15 SECTION 4. IC 14-22-38-5 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) **Except as**
17 **provided in subsection (b)**, a person who takes or possesses a ~~wild~~
18 ~~animal, except a deer or turkey,~~ **fish** in violation of this article shall
19 reimburse the state as follows:

20 (1) Twenty dollars (\$20) for the first violation.

21 (2) Thirty-five dollars (\$35) for each subsequent violation.

22 **(b) A person who takes or possesses wildlife, except a deer or**
23 **turkey, in violation of this article shall reimburse the state as**
24 **follows:**

25 **(1) Two hundred dollars (\$200) for the first violation.**

26 **(2) Five hundred dollars (\$500) for the second violation.**

27 **(3) One thousand dollars (\$1,000) for the third and any**
28 **subsequent violation.**

29 ~~(b)~~ (c) The money shall be deposited in the conservation officers
30 fish and wildlife fund.

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