

HOUSE BILL No. 1052

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-3.5.

Synopsis: Ban on ivory and rhino horn sales. Makes the sale or other transfer of ownership of an article consisting of or containing ivory or rhino horn a Class A misdemeanor. Provides exceptions applying: (1) if the article is at least 100 years old and ivory or rhino horn constitutes less than 20% of the article by volume; (2) if the sale or transfer of ownership of the article is for bona fide educational or scientific purposes or is to a museum or educational institution; (3) if the transfer of ownership of the article is from a decedent or decedent's estate to an heir or devisee; or (4) if the article is a musical instrument that was manufactured not later than 1975.

Effective: July 1, 2016.

Bauer, Miller D

January 19, 2016, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1052

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-46-3.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2016]:
- 4 **Chapter 3.5. Sale or Transfer of Ivory or Rhino Horn**
- 5 **Sec. 1. As used in this chapter, "ivory" means material taken**
- 6 **from:**
- 7 **(1) a tusk of:**
- 8 **(A) an African elephant or Asian elephant; or**
- 9 **(B) a walrus; or**
- 10 **(2) the protruding tooth of a narwhal.**
- 11 **Sec. 2. As used in this chapter, "rhino horn" means material**
- 12 **taken from a horn of a white rhinoceros, a black rhinoceros, an**
- 13 **Indian rhinoceros, a Javan rhinoceros, or a Sumatran rhinoceros.**
- 14 **Sec. 3. (a) Except as provided in subsection (b), a person who**
- 15 **knowingly or intentionally sells or otherwise transfers ownership**
- 16 **of an article:**
- 17 **(1) consisting of; or**



1 **(2) containing;**
2 **ivory or rhino horn commits sale or transfer of ivory or rhino**
3 **horn, a Class A misdemeanor.**
4 **(b) A person who sells or otherwise transfers ownership of an**
5 **article consisting of or containing ivory or rhino horn does not**
6 **commit an offense under subsection (a) if:**
7 **(1) ivory or rhino horn constitutes less than twenty percent**
8 **(20%) of the article by volume and the article is at least one**
9 **hundred (100) years old;**
10 **(2) the sale or transfer of ownership of the article is:**
11 **(A) for bona fide educational or scientific purposes; or**
12 **(B) to a museum or educational institution;**
13 **(3) the transfer of ownership of the article is from a decedent**
14 **or decedent's estate to an heir or devisee under IC 29-1; or**
15 **(4) the article is a musical instrument that was manufactured**
16 **not later than 1975.**

