

SENATE BILL No. 442

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-22.

Synopsis: Hunting wildlife. Removes exotic mammals from the animals that may be propagated or offered for hunting at a shooting preserve. Makes it a Class C misdemeanor to: (1) engage in computer assisted remote hunting or provide or operate a computer assisted remote hunting facility; (2) use an unmanned aerial vehicle to search for, scout, locate, or detect wildlife as an aid to hunt or take wildlife; (3) release from confinement a wild mammal for the purpose of taking the wild mammal; or (4) offer for sale the taking of a wild mammal that is kept or confined on private property. Removes references to exotic mammal from laws regulating game birds and exotic mammals.

Effective: Upon passage.

Miller Pete

January 12, 2015, read first time and referred to Committee on Natural Resources.



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 442

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 14-8-2-50.4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
3 **UPON PASSAGE]: Sec. 50.4. "Computer assisted remote hunting",**
4 **for purposes of IC 14-22-6-15, has the meaning set forth in**
5 **IC 14-22-6-15(a).**

6 SECTION 2. IC 14-8-2-50.6 IS ADDED TO THE INDIANA CODE
7 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
8 **UPON PASSAGE]: Sec. 50.6. "Computer assisted remote hunting**
9 **facility", for purposes of IC 14-22-6-15, has the meaning set forth**
10 **in IC 14-22-6-15(b).**

11 SECTION 3. IC 14-8-2-278 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 278. "Take" has the
13 following meaning:

14 (1) For purposes of IC 14-22, except as provided in ~~subdivision~~
15 **subdivisions (2) and (3):**

16 (A) to kill, shoot, spear, gig, catch, trap, harm, harass, or



1 pursue a wild animal; or

2 (B) to attempt to engage in such conduct.

3 **(2) For purposes of IC 14-22-6-16, the meaning set forth in**
 4 **IC 14-22-6-16(b).**

5 ~~(2)~~ **(3) For purposes of IC 14-22-34, the meaning set forth in**
 6 **IC 14-22-34-5.**

7 SECTION 4. IC 14-8-2-320.5 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 9 **[EFFECTIVE UPON PASSAGE]: Sec. 320.5. "Wild mammal", for**
 10 **purposes of IC 14-22-6-17, has the meaning set forth in**
 11 **IC 14-22-6-17(c).**

12 SECTION 5. IC 14-22-6-15 IS ADDED TO THE INDIANA CODE
 13 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 14 **UPON PASSAGE]: Sec. 15. (a) As used in this section, "computer**
 15 **assisted remote hunting" means the use of a computer or any other**
 16 **device, equipment, or software to remotely control the aiming and**
 17 **discharge of a bow, crossbow, or firearm for the purpose of taking**
 18 **wildlife.**

19 **(b) As used in this section, "computer assisted remote hunting**
 20 **facility" means the real property and improvements on the**
 21 **property associated with computer assisted remote hunting,**
 22 **including hunting blinds, offices, and rooms equipped to facilitate**
 23 **computer assisted remote hunting.**

24 **(c) A person may not knowingly:**

25 **(1) engage in computer assisted remote hunting; or**

26 **(2) provide or operate a computer assisted remote hunting**
 27 **facility.**

28 SECTION 6. IC 14-22-6-16 IS ADDED TO THE INDIANA CODE
 29 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 30 **UPON PASSAGE]: Sec. 16. (a) This section does not apply to the**
 31 **following:**

32 **(1) Employees or agents of a governmental entity while**
 33 **performing official duties.**

34 **(2) Employees or agents of an educational or research**
 35 **institution acting for bona fide educational or scientific**
 36 **purposes.**

37 **(3) Use of an unmanned aerial vehicle to assist, provide care**
 38 **for, or provide veterinary treatment to specific wildlife.**

39 **(b) As used in this section, "take" means to:**

40 **(1) kill, shoot, spear, harm, catch for the purpose of killing,**
 41 **trap for the purpose of killing, or pursue for the purpose of**
 42 **killing wildlife; or**



1 **(2) attempt to engage in conduct under subdivision (1).**

2 **(c) A person may not knowingly use an unmanned aerial vehicle**
 3 **(as defined by IC 35-33-5-0.5(7)) to search for, scout, locate, or**
 4 **detect wildlife as an aid to take the wildlife.**

5 SECTION 7. IC 14-22-6-17 IS ADDED TO THE INDIANA CODE
 6 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 7 **UPON PASSAGE]: Sec. 17. (a) This section does not prohibit a**
 8 **person from taking a wild mammal under IC 14-22-2, IC 14-22-28,**
 9 **or any other law that allows the taking of a wild mammal.**

10 **(b) This section does not prohibit an activity expressly**
 11 **authorized by federal law.**

12 **(c) As used in this section, "wild mammal" means a species of**
 13 **mammal that is wild or feral, whether captive bred or wild born.**
 14 **The term does not include feral cats.**

15 **(d) A person may not knowingly or intentionally do any of the**
 16 **following:**

17 **(1) Release from confinement a wild mammal for the purpose**
 18 **of taking the wild mammal.**

19 **(2) Offer for sale the taking of a wild mammal that is kept or**
 20 **confined on private property.**

21 SECTION 8. IC 14-22-31-4 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Upon receipt of
 23 an application, the department shall do the following:

24 (1) Inspect the following:

25 (A) The proposed shooting preserve.

26 (B) The facilities for propagating the game birds. ~~or exotic~~
 27 ~~mammals.~~

28 (C) The cover.

29 (D) The capability of the applicant to maintain such an
 30 operation.

31 (2) If found feasible, approve the application and issue a license
 32 to the applicant.

33 SECTION 9. IC 14-22-31-7 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A person issued
 35 a license under section 4 of this chapter may propagate and offer for
 36 hunting ~~the following animals that are~~ captive reared and released

37 ~~(1)~~ pheasant, quail, chukar partridges, properly marked mallard
 38 ducks, and other game bird species that the department
 39 determines by rule.

40 ~~(2) Species of exotic mammals that the department determines by~~
 41 ~~rule.~~

42 SECTION 10. IC 14-22-31-8, AS AMENDED BY P.L.289-2013,



1 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 8. (a) An individual may not take game birds
3 ~~and exotic mammals~~ on a shooting preserve unless the individual has
4 a hunting license required under this article, except nonresidents of
5 Indiana, who must possess a special license issued by the department
6 under this section to shoot on licensed shooting preserves.

7 (b) The department:

8 (1) shall issue special licenses described in subsection (a); and

9 (2) may appoint owners or managers of shooting preserves as
10 agents to sell the special licenses.

11 (c) A special license expires April 30 immediately following the
12 date the license is effective.

13 (d) The fee for a special license issued under this section is equal to
14 the fee for a resident annual hunting license under IC 14-22-12-1(a)(2).
15 All fees collected under this section shall be deposited in the fish and
16 wildlife fund.

17 SECTION 11. IC 14-22-31-10 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The licensee of
19 a shooting preserve shall issue a bill of sale designating game birds ~~or~~
20 ~~exotic mammals~~ lawfully taken upon the shooting preserve. The bill of
21 sale must accompany all game birds ~~and exotic mammals~~ removed
22 from the shooting preserve. The licensee shall retain a copy of all bills
23 of sale issued to persons removing game birds ~~or exotic mammals~~ from
24 the shooting preserve. The bills of sale are subject to inspection by the
25 ~~fish and wildlife division~~ **department** at any time.

26 SECTION 12. IC 14-22-32-1 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter
28 does not apply to the following:

29 (1) Conservation officers or other law enforcement officers.

30 (2) Game birds ~~or exotic mammals~~ in shooting preserves licensed
31 under IC 14-22-31.

32 (3) A person who takes a feral exotic mammal when the feral
33 exotic mammal is causing damage to property that is owned or
34 leased by the person.

35 (4) A person who is authorized by the department under
36 extraordinary circumstances to take an exotic mammal.

37 SECTION 13. IC 14-22-32-2 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A person may
39 not do any of the following:

40 (1) Offer a game bird ~~or an exotic mammal~~ for hunting, trapping,
41 or chasing by a person using a weapon or device that is not a
42 shotgun, muzzle loading gun, handgun, or bow and arrow.



1 (2) Hunt, trap, or chase a game bird ~~or an exotic mammal~~ with a
2 weapon or device that is not a shotgun, muzzle loading gun,
3 handgun, or bow and arrow.
4 SECTION 14. IC 14-22-32-5 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. If a person
6 violates section 2(1) of this chapter, the department shall enter a
7 recommended order to dispose of any game bird ~~or exotic mammal~~ the
8 person owns, keeps, harbors, or otherwise possesses. Before the order
9 becomes a final determination of the department, a hearing must be
10 held under IC 4-21.5-3. The hearing shall be conducted by an
11 administrative law judge for the commission. The determination of the
12 administrative law judge is a final agency action under IC 4-21.5-1-6.
13 SECTION 15. **An emergency is declared for this act.**

