

SENATE BILL No. 7

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 5, 2016, read first time and referred to Committee on Natural Resources.



Second Regular Session 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.

SENATE BILL No. 7

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
17 pursue a wild animal; or



- 1 (B) to attempt to engage in such conduct.
- 2 **(2) For purposes of IC 14-22-6-16, the meaning set forth in**
- 3 **IC 14-22-6-16(b).**
- 4 ~~(2)~~ **(3) For purposes of IC 14-22-34, the meaning set forth in**
- 5 **IC 14-22-34-5.**
- 6 SECTION 4. IC 14-8-2-320.5 IS ADDED TO THE INDIANA
- 7 CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 320.5. "Wild mammal", for**
- 8 **purposes of IC 14-22-6-17, has the meaning set forth in**
- 9 **IC 14-22-6-17(c).**
- 10
- 11 SECTION 5. IC 14-22-6-15 IS ADDED TO THE INDIANA CODE
- 12 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE
- 13 UPON PASSAGE]: **Sec. 15. (a) As used in this section, "computer**
- 14 **assisted remote hunting" means the use of a computer or any other**
- 15 **device, equipment, or software to remotely control the aiming and**
- 16 **discharge of a bow, crossbow, or firearm for the purpose of taking**
- 17 **wildlife.**
- 18 **(b) As used in this section, "computer assisted remote hunting**
- 19 **facility" means the real property and improvements on the**
- 20 **property associated with computer assisted remote hunting,**
- 21 **including hunting blinds, offices, and rooms equipped to facilitate**
- 22 **computer assisted remote hunting.**
- 23 **(c) A person may not knowingly:**
- 24 **(1) engage in computer assisted remote hunting; or**
- 25 **(2) provide or operate a computer assisted remote hunting**
- 26 **facility.**
- 27 SECTION 6. IC 14-22-6-16 IS ADDED TO THE INDIANA CODE
- 28 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE
- 29 UPON PASSAGE]: **Sec. 16. (a) This section does not apply to the**
- 30 **following:**
- 31 **(1) Employees or agents of a governmental entity while**
- 32 **performing official duties.**
- 33 **(2) Employees or agents of an educational or research**
- 34 **institution acting for bona fide educational or scientific**
- 35 **purposes.**
- 36 **(3) Use of an unmanned aerial vehicle to assist, provide care**
- 37 **for, or provide veterinary treatment to specific wildlife.**
- 38 **(b) As used in this section, "take" means to:**
- 39 **(1) kill, shoot, spear, harm, catch for the purpose of killing,**
- 40 **trap for the purpose of killing, or pursue for the purpose of**
- 41 **killing wildlife; or**
- 42 **(2) attempt to engage in conduct under subdivision (1).**



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

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

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

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

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

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

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

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

23 (1) Inspect the following:

24 (A) The proposed shooting preserve.

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

27 (C) The cover.

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

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

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

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

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

41 SECTION 10. IC 14-22-31-8, AS AMENDED BY P.L.289-2013,
42 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



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

6 (b) The department:

- 7 (1) shall issue special licenses described in subsection (a); and
 8 (2) may appoint owners or managers of shooting preserves as
 9 agents to sell the special licenses.

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

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

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

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

- 28 (1) Conservation officers or other law enforcement officers.
 29 (2) Game birds ~~or exotic mammals~~ in shooting preserves licensed
 30 under IC 14-22-31.
 31 (3) A person who takes a feral exotic mammal when the feral
 32 exotic mammal is causing damage to property that is owned or
 33 leased by the person.
 34 (4) A person who is authorized by the department under
 35 extraordinary circumstances to take an exotic mammal.

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

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



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

