

SENATE BILL No. 109

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-22; IC 15-17; IC 35-52-15-15.5.

Synopsis: Regulation of privately owned cervidae. Provides that the department of natural resources may not regulate certain privately owned cervidae. Provides for the initial licensing by the state board of animal health of hunting preserves on which privately owned cervidae, as well as sheep and goats, are hunted. Establishes licensing requirements, inspection requirements, and fees. Exempts licensed hunting preserves and cervidae livestock operations from the licensing requirements for game breeders. Exempts licensed hunting preserves from the licensing requirements for shooting preserves. Provides that hunters on hunting preserves are required to have a special hunting permit. Specifies that the fee for the special hunting permit to take a buck on a hunting preserve is equal to the fee for a nonresident yearly license to take a deer. Specifies that the fee for the special hunting permit to take a doe on a hunting preserve is equal to the fee for a nonresident yearly license to hunt. Provides that hunters on hunting preserves are not subject to bag limits. Requires that a transportation tag be affixed to each animal taken on a hunting preserve. Prohibits computer assisted remote hunting on hunting preserves. Establishes penalties for certain violations.

Effective: Upon passage.

Messmer

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. 109

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

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

- 1 SECTION 1. IC 14-8-2-37.6 IS REPEALED [EFFECTIVE UPON
2 PASSAGE]. ~~Sec. 37.6: "Cervidae", for purposes of IC 14-22-20.5, has~~
3 ~~the meaning set forth in IC 14-22-20.5-1.~~
- 4 SECTION 2. IC 14-8-2-37.7 IS REPEALED [EFFECTIVE UPON
5 PASSAGE]. ~~Sec. 37.7: "Cervidae livestock operation", for purposes of~~
6 ~~IC 14-22-20.5, has the meaning set forth in IC 14-22-20.5-2.~~
- 7 SECTION 3. IC 14-8-2-37.8 IS REPEALED [EFFECTIVE UPON
8 PASSAGE]. ~~Sec. 37.8: "Cervidae products", for purposes of~~
9 ~~IC 14-22-20.5, has the meaning set forth in IC 14-22-20.5-3.~~
- 10 SECTION 4. IC 14-22-1-1 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) All wild
12 animals, except those that are:
- 13 (1) legally owned or being held in captivity under a license or
14 permit as required by this article; **or**
 - 15 (2) otherwise excepted in this article; **or**
 - 16 **(3) privately owned cervidae regulated under IC 15-17-14.5 or**
17 **IC 15-17-14.7;**



1 are the property of the people of Indiana.

2 (b) The department shall protect and properly manage the fish and
3 wildlife resources of Indiana.

4 **(c) Except as provided in subsection (d), the department may
5 regulate privately owned wild animals.**

6 **(d) The department may not regulate privately owned cervidae
7 regulated under IC 15-17-14.5 or IC 15-17-14.7.**

8 SECTION 5. IC 14-22-20-1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) The owner
10 of a hunting preserve licensed under IC 15-17-14.7 is not required
11 to obtain a game breeder's license under this section.**

12 **(b) The owner of a cervidae livestock operation under
13 IC 15-17-14.5 is not required to obtain a game breeder's license
14 under this section.**

15 (c) The department may, under rules adopted under IC 4-22-2, issue
16 to a resident of Indiana, upon the payment of a fee of fifteen dollars
17 (\$15), a license to:

18 (1) propagate in captivity; and

19 (2) possess, buy, or sell for this purpose only;
20 game birds, game mammals, or furbearing mammals protected by
21 Indiana law.

22 SECTION 6. IC 14-22-20.5 IS REPEALED [EFFECTIVE UPON
23 PASSAGE]. (Cervidae and Cervidae Products).

24 SECTION 7. IC 14-22-31-0.5 IS ADDED TO THE INDIANA
25 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
26 [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter does not
27 apply to a hunting preserve licensed under IC 15-17-14.7.**

28 SECTION 8. IC 14-22-38-4, AS AMENDED BY P.L.195-2014,
29 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 UPON PASSAGE]: Sec. 4. (a) If a person commits an offense that
31 involves:

32 (1) unlawfully taking or possessing a deer or wild turkey;

33 (2) taking or possessing a deer or wild turkey by illegal methods
34 or with illegal devices; or

35 (3) except as provided in subsections (c) and (d), selling, offering
36 to sell, purchasing, or offering to purchase a deer or wild turkey
37 or a part of a deer or wild turkey;

38 the court may order the person to reimburse the state five hundred
39 dollars (\$500) for the first violation and one thousand dollars (\$1,000)
40 for each subsequent violation.

41 (b) The money shall be deposited in the conservation officers fish
42 and wildlife fund. This penalty is in addition to any other penalty under



1 the law.

2 (c) Notwithstanding section 6 of this chapter, if a properly tagged

3 deer is brought to a meat processing facility and the owner of the deer:

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

5 or

6 (2) notifies the meat processing facility that the owner does not

7 want the processed deer;

8 the deer meat may be given away by the meat processing facility to

9 another person. The meat processing facility may charge the person

10 receiving the deer meat a reasonable and customary processing fee.

11 ~~(d) Notwithstanding section 6 of this chapter, deer meat and~~

12 ~~products from farm raised deer that meet the requirements under~~

13 ~~IC 15-17 may be sold to the public.~~

14 ~~(e)~~ (d) In addition to being liable for the reimbursement required

15 under subsection (a), a person who recklessly, knowingly, or

16 intentionally violates subsection (a)(1) or (a)(2) while using or

17 possessing:

18 (1) a sound suppressor designed for use with or on a firearm,

19 commonly called a silencer; or

20 (2) a device used as a silencer;

21 commits unlawful hunting while using or possessing a silencer, a Class

22 C misdemeanor.

23 SECTION 9. IC 15-17-2-17.5 IS ADDED TO THE INDIANA

24 CODE AS A NEW SECTION TO READ AS FOLLOWS

25 [EFFECTIVE UPON PASSAGE]: **Sec. 17.5. "Cervidae", for**

26 **purposes of IC 15-17-14.5 and IC 15-17-14.7, means privately**

27 **owned members of the cervidae family, including deer, elk, moose,**

28 **reindeer, and caribou.**

29 SECTION 10. IC 15-17-2-38.5 IS ADDED TO THE INDIANA

30 CODE AS A NEW SECTION TO READ AS FOLLOWS

31 [EFFECTIVE UPON PASSAGE]: **Sec. 38.5. "Hunting preserve", for**

32 **purposes of IC 15-17-14.7, has the meaning set forth in**

33 **IC 15-17-14.7-1.**

34 SECTION 11. IC 15-17-2-82.5 IS ADDED TO THE INDIANA

35 CODE AS A NEW SECTION TO READ AS FOLLOWS

36 [EFFECTIVE UPON PASSAGE]: **Sec. 82.5. "Permitted animal", for**

37 **purposes of IC 15-17-14.7, has the meaning set forth in**

38 **IC 15-17-14.7-3.**

39 SECTION 12. IC 15-17-7-7, AS ADDED BY P.L.2-2008,

40 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

41 UPON PASSAGE]: **Sec. 7. (a) This section does not apply to**

42 **cervidae on a cervidae hunting preserve licensed under**



1 **IC 15-17-14.7.**

2 ~~(a)~~ **(b)** Owners of cattle, goats, or cervids that are destroyed because
3 they have:

4 (1) reacted positively to a tuberculin test administered by:

5 (A) the state veterinarian or the state veterinarian's agent; or

6 (B) an agent of the United States Department of Agriculture;

7 or

8 (2) been exposed to tubercular animals;

9 are entitled to be indemnified for the cattle, goats, or cervids under the
10 rules of the board and the United States Department of Agriculture, as
11 applicable.

12 ~~(b)~~ **(c)** Indemnification by the state may not exceed the per animal
13 limit set in the rules of the board.

14 ~~(c)~~ **(d)** Joint federal-state indemnity, plus salvage, may not exceed
15 the appraised value of each animal.

16 ~~(d)~~ **(e)** State indemnity may not exceed federal indemnity on each
17 animal.

18 SECTION 13. IC 15-17-10-7, AS ADDED BY P.L.2-2008,
19 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 UPON PASSAGE]: Sec. 7. (a) Except as provided in subsection (b), an
21 indemnity payment may not be made for the following:

22 (1) Animals or objects belonging to the United States.

23 (2) Animals or objects belonging to the state.

24 (3) Animals or objects brought into the state or moved in violation
25 of this article, the rules of the board, or an agreement for the
26 control of diseases or pests.

27 (4) Animals that were previously affected by any other disease or
28 pest, which, from its nature and development, caused an incurable
29 condition and was necessarily fatal.

30 (5) Animals or objects affected with disease or pest of animals
31 that the owner purchased, knowing that the animals or objects
32 were infected with or exposed to a disease or pest of animals,
33 including animals or objects purchased from a place where a
34 contagious disease or pest of animals was known to exist.

35 (6) Any animal or object that the owner or the owner's agent
36 intentionally infects with or exposes to a disease or pest of
37 animals.

38 (7) Any animal or object for which the owner received indemnity
39 or reimbursement from any other source.

40 **(8) Any cervidae or objects on a hunting preserve licensed
41 under IC 15-17-14.7.**

42 (b) The board may pay indemnity for animals or objects described



1 in subsection (a)(3) through (a)(5) if the board finds that payment of
2 indemnity is necessary to accomplish the purposes of this article.

3 SECTION 14. IC 15-17-14.5 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]:

6 **Chapter 14.5. Cervidae and Cervidae Products**

7 **Sec. 1. As used in this chapter, "cervidae livestock operation"**
8 **means an operation that:**

- 9 (1) contains privately owned cervidae; and
10 (2) involves the breeding, propagating, purchasing, selling,
11 and marketing of cervidae or cervidae products;
12 but does not involve the hunting of privately owned cervidae.

13 **Sec. 2. As used in this chapter, "cervidae products" means**
14 **products, coproducts, or byproducts of cervidae.**

15 **Sec. 3. Cervidae and cervidae products legally produced,**
16 **purchased, possessed, or acquired within Indiana or imported into**
17 **Indiana are the exclusive property of the owner.**

18 **Sec. 4. Meat and products derived from privately owned**
19 **cervidae that are from a cervidae livestock operation may be sold**
20 **to the general public, subject to IC 15-17-5.**

21 **Sec. 5. The board may establish under IC 15-17-3-23 standards**
22 **of care for animals on cervidae livestock operations.**

23 SECTION 15. IC 15-17-14.7 IS ADDED TO THE INDIANA
24 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
25 [EFFECTIVE UPON PASSAGE]:

26 **Chapter 14.7. Hunting Preserves**

27 **Sec. 1. As used in this chapter, "hunting preserve" means an**
28 **area of land where permitted animals are hunted.**

29 **Sec. 2. As used in this chapter, "licensed owner" means an**
30 **owner of a hunting preserve who holds a license issued under this**
31 **chapter.**

32 **Sec. 3. As used in this chapter, "permitted animal" means any**
33 **of the following:**

- 34 (1) A cervid.
35 (2) A sheep.
36 (3) A goat.

37 **Sec. 4. (a) The board shall issue an initial hunting preserve**
38 **license to a person who:**

- 39 (1) meets all other requirements of this chapter; and
40 (2) pays a fee of three hundred dollars (\$300).

41 (b) A hunting preserve license issued under this section may be
42 transferred or assigned. If a person acquires a hunting preserve



1 through a sale, a lease, or a change in ownership of the hunting
2 preserve, the person must:

- 3 (1) obtain a hunting preserve license from the board; and
4 (2) meet the requirements set forth in this chapter;

5 before allowing hunting on the hunting preserve.

6 (c) A hunting preserve must pass an annual inspection by the
7 board.

8 (d) A person who:

- 9 (1) meets the requirements set forth in this chapter; and
10 (2) pays an annual fee of three hundred dollars (\$300);

11 is entitled to renew a license.

12 (e) All fees collected under this section must be used by the
13 board to administer this chapter, IC 15-17-14.5, and programs for
14 the control of diseases in cervidae authorized under this article.

15 Sec. 5. Permitted animals, including their products, are the
16 property of the licensed owner containing the permitted animals.

17 Sec. 6. A hunting preserve must:

- 18 (1) provide sufficient space and cover to allow permitted
19 animals the opportunity to evade hunters; and
20 (2) meet the following requirements:

21 (A) The hunting preserve must contain at least eighty (80)
22 contiguous acres in the area where permitted animals are
23 hunted.

24 (B) The hunting preserve must be enclosed by a fence that
25 is at least eight (8) feet in height and not more than six (6)
26 inches above the ground.

27 (C) Reasonable efforts must be made to clear the hunting
28 preserve of wild deer.

29 (D) The hunting preserve may not be bisected by a public
30 road, fencing, or any other barrier.

31 (E) The fence enclosing the hunting preserve must be
32 marked with signs that meet the specifications of the
33 board.

34 Sec. 7. If a cervidae escapes from a hunting preserve, the owner
35 shall report the escape to the board within twenty-four (24) hours
36 after the escape is discovered.

37 Sec. 8. (a) The owner of a hunting preserve may not release a
38 privately owned cervidae into the wild.

39 (b) The owner of a hunting preserve may not release cervidae on
40 a hunting preserve unless the cervid is a permitted animal.

41 Sec. 9. (a) A person who takes or hunts a permitted animal on
42 a hunting preserve is not required to hold a license under IC 14-22.



1 (b) A person who takes or hunts a permitted animal on a
 2 hunting preserve is required to have a special hunting permit
 3 issued by the board.

4 (c) The board:

5 (1) shall issue a special hunting permit that is required under
 6 subsection (b); and

7 (2) may appoint owners or managers of a hunting preserve as
 8 agents to sell the special hunting permit.

9 (d) A special hunting permit expires on March 2 immediately
 10 following the date the license is effective.

11 (e) The fee for a special hunting permit issued under this section
 12 to take a buck is equal to the fee set under IC 14-22-12-1(a)(15) per
 13 animal.

14 (f) The fee for a special hunting permit issued under this section
 15 to take a doe, a sheep, or a goat is equal to the fee set under
 16 IC 14-22-12-1(a)(6) per animal.

17 Sec. 10. (a) The board shall provide the licensed owner either a
 18 transportation tag or a cull tag for every animal taken on the
 19 hunting preserve. The board shall provide cull tags to the licensed
 20 owner without charge.

21 (b) The licensed owner shall cause a transportation tag to be
 22 affixed to each animal taken on the hunting preserve.

23 (c) An individual may not transport or possess an animal taken
 24 from a hunting preserve without a transportation tag.

25 (d) The transportation tag affixed to an animal taken on a
 26 hunting preserve under subsection (b) is considered to be the bill
 27 of sale for the sale of the animal by the licensed owner to the
 28 hunter.

29 (e) A licensed owner is not required to affix a transportation tag
 30 for an animal culled by the licensed owner from the hunting
 31 preserve and transported directly for personal consumption, or to
 32 a slaughtering establishment or charity. However, the licensed
 33 owner shall cause a cull tag to be affixed to each animal culled by
 34 the licensed owner.

35 Sec. 11. (a) A licensed owner shall keep records that accurately
 36 represent the following:

37 (1) The animals entering and leaving the hunting preserve.

38 (2) The individuals who use the hunting preserve.

39 (3) Information that documents compliance with this chapter
 40 as determined by rules adopted by the board.

41 (b) The records under subsection (a) must be maintained for a
 42 period determined by the board and must be open for inspection by



1 employees of the board during regular business hours.

2 **Sec. 12. (a) Permitted animals may be hunted on a hunting**
 3 **preserve licensed under this chapter from September 1 through**
 4 **March 1 between one-half (1/2) hour before sunrise and one-half**
 5 **(1/2) hour after sunset.**

6 **(b) For permitted animals taken on a hunting preserve there is**
 7 **not a bag limit, and both male and female animals may be taken.**

8 **(c) A licensed owner may charge fees for hunting on the hunting**
 9 **preserve that reflect the class of animal hunted.**

10 **Sec. 13. (a) Only weapons that may be used legally in hunting on**
 11 **other property in Indiana may be used in hunting on a hunting**
 12 **preserve.**

13 **(b) A hunting preserve may not allow computer assisted remote**
 14 **hunting.**

15 **(c) If a permitted animal has been sedated, the hunting preserve**
 16 **may not allow the permitted animal to be hunted within**
 17 **twenty-four (24) hours of sedation. In addition, the board may**
 18 **adopt rules governing the use of an animal for food after the**
 19 **animal has been sedated or treated with medication.**

20 **(d) Hunting on a hunting preserve is prohibited within one**
 21 **hundred fifty (150) yards of an artificial feeding site.**

22 **Sec. 14. (a) The board may establish under IC 15-17-3-23**
 23 **standards of care for animals on hunting preserves licensed under**
 24 **this chapter.**

25 **(b) The board may not adopt rules that have the effect of**
 26 **prohibiting or unreasonably restricting the operation of a hunting**
 27 **preserve. However, the board's ability to regulate animal diseases**
 28 **and food safety is not restricted by this subsection.**

29 **(c) The board may inspect a hunting preserve to investigate a**
 30 **complaint at any reasonable time.**

31 **(d) The board may inspect a hunting preserve to investigate an**
 32 **issue concerning animal health at any reasonable time.**

33 **Sec. 15. (a) Except as provided in subsection (b), a person who**
 34 **violates this chapter is subject to the penalties set forth in**
 35 **IC 15-17-18-12.**

36 **(b) A person who knowingly or intentionally violates section 7,**
 37 **8, 13(b), or 13(c) of this chapter commits a Level 6 felony.**

38 **SECTION 16. IC 35-52-15-15.5 IS ADDED TO THE INDIANA**
 39 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 40 **[EFFECTIVE UPON PASSAGE]: Sec. 15.5. IC 15-17-14.7-15 defines**
 41 **crimes concerning a hunting preserve.**

42 **SECTION 17. An emergency is declared for this act.**

