

IC 14-22-10

Chapter 10. Wildlife Regulation

IC 14-22-10-0.1

Application of certain amendments to chapter

Sec. 0.1. The amendments made to section 2 of this chapter by P.L.138-1997 apply to causes of action that accrue after June 30, 1997.

As added by P.L.220-2011, SEC.298.

IC 14-22-10-1

Consent to use private land

Sec. 1. A person may not:

- (1) fish, hunt, trap, or chase;
- (2) shoot with any kind of firearm or archery equipment;
- (3) search for or gather any plant life (defined as the members of the kingdoms Fungi and Plantae); or
- (4) search for or gather any artifacts (as defined in IC 14-21-1-2);

upon privately owned land without having the consent of the owner or tenant of the land.

As added by P.L.1-1995, SEC.15. Amended by P.L.186-2003, SEC.59.

IC 14-22-10-2

Restrictions on landowner liability to recreational users

Sec. 2. (a) As used in this section and section 2.5 of this chapter, "governmental entity" means any of the following:

- (1) The government of the United States of America.
- (2) The state of Indiana.
- (3) A county.
- (4) A city.
- (5) A town.
- (6) A township.
- (7) The following, if created by the Constitution of the United States, the Constitution of the State of Indiana, a statute, an ordinance, a rule, or an order:
 - (A) An agency.
 - (B) A board.
 - (C) A commission.
 - (D) A committee.
 - (E) A council.
 - (F) A department.
 - (G) A district.
 - (H) A public body corporate and politic.

(b) As used in this section and section 2.5 of this chapter, "monetary consideration" means a fee or other charge for permission to go upon a tract of land. The term does not include:

- (1) the gratuitous sharing of game, fish, or other products of the recreational use of the land;

- (2) services rendered for the purpose of wildlife management;
or
- (3) contributions in kind made for the purpose of wildlife management.

(c) As used in this section and section 2.5 of this chapter, "owner" means a governmental entity or another person that:

- (1) has a fee interest in;
- (2) is a tenant, a lessee, or an occupant of; or
- (3) is in control of;

a tract of land.

(d) A person who goes upon or through the premises, including caves, of another:

- (1) with or without permission; and
- (2) either:
 - (A) without the payment of monetary consideration; or
 - (B) with the payment of monetary consideration directly or indirectly on the person's behalf by an agency of the state or federal government;

for the purpose of swimming, camping, hiking, sightseeing, or any other purpose (other than the purposes described in section 2.5 of this chapter) does not have an assurance that the premises are safe for the purpose.

(e) The owner of the premises does not:

- (1) assume responsibility; or
- (2) incur liability;

for an injury to a person or property caused by an act or failure to act of other persons using the premises.

(f) This section does not affect the following:

- (1) Existing Indiana case law on the liability of owners or possessors of premises with respect to the following:
 - (A) Business invitees in commercial establishments.
 - (B) Invited guests.
- (2) The attractive nuisance doctrine.

(g) This section does not excuse the owner or occupant of premises from liability for injury to a person or property caused by a malicious or an illegal act of the owner or occupant.

As added by P.L.1-1995, SEC.15. Amended by P.L.178-1995, SEC.3; P.L.138-1997, SEC.2; P.L.75-1998, SEC.2.

IC 14-22-10-2.5

Restrictions on landowner liability to hunters, fishers, and trappers

Sec. 2.5. (a) A person who goes upon or through the premises, including caves, of another:

- (1) with or without permission; and
- (2) either:
 - (A) without the payment of monetary consideration; or
 - (B) with the payment of monetary consideration directly or indirectly on the person's behalf by an agency of the state or federal government;

for the purpose of hunting, fishing, trapping, or preparing to hunt,

fish, or trap, does not have an assurance that the premises are safe for that purpose.

(b) The owner of the premises does not:

- (1) assume responsibility; or
- (2) incur liability;

for an injury to a person or property caused by an act or failure to act of other persons using the premises.

(c) This section does not affect Indiana case law on the liability of owners or possessors of premises with respect to the following:

- (1) Business invitees in commercial establishments.
- (2) The attractive nuisance doctrine.

(d) This section does not excuse the owner or occupant of premises from liability for injury to a person or property caused by a malicious or an illegal act of the owner or occupant.

As added by P.L.75-1998, SEC.3.

IC 14-22-10-3

Transportation of fish and game outside state

Sec. 3. (a) An individual may not take, carry, ship, transport, or accept for shipment or transportation outside Indiana a wild animal protected by Indiana law, except as provided in this article.

(b) An individual having a license to use a commercial fishing device in Indiana may ship, carry, or transport outside Indiana fish that the individual has legally taken or caught by the commercial fishing device.

(c) An individual having a license to hunt, trap, or fish in Indiana may carry, transport, or ship outside Indiana, in open season, in one (1) day, a wild animal that the individual has legally taken in open season, not to exceed in number the possession limit of the wild animal.

(d) Hides and furs of furbearing animals legally taken in open season may be shipped or carried outside Indiana in any number:

- (1) during the open season; or
- (2) after open season as allowed by rule.

(e) An individual having a breeder's license may ship, carry, or transport outside Indiana a wild animal that the individual has legally possessed under the breeder's license in Indiana.

(f) An individual may not ship, carry, or transport or accept for transportation or shipment to a place in Indiana or outside Indiana a wild animal unless the wild animal is enclosed in a package or container on which there is clearly, legibly, and conspicuously marked on the outside of the package or container the following information:

- (1) The name and address of the shipper and the consignee.
- (2) An accurate statement of the number or quantities and kinds of wild animals contained.

The shipper shall produce the license required under this article authorizing the person to take or possess the wild animal. If the wild animal is carried by the licensee personally, the wild animal shall be carried openly for inspection, together with the license.

(g) An individual having a mussel buyer's license may ship legally taken mussels or mussel shells outside Indiana.
As added by P.L.1-1995, SEC.15. Amended by P.L.165-2011, SEC.10; P.L.151-2012, SEC.17.

IC 14-22-10-4

Possession of fish or game taken in foreign nation or state

Sec. 4. (a) A resident of Indiana who has a nonresident hunting or fishing license issued by another state or country may possess in Indiana the number of wild animals that the resident could and did legally kill, take, and possess under authority of the nonresident license in the state or country issuing the license, under the rules provided in this article.

(b) A person may not possess a wild animal taken, killed, and possessed in another state or country if the taking, killing, or possession of the wild animal is illegal in the state or country issuing the nonresident license.

As added by P.L.1-1995, SEC.15.

IC 14-22-10-5

Wild animals illegally taken or accidentally killed

Sec. 5. The title to a wild animal illegally taken or accidentally killed in violation of this article or IC 14-2 (before its repeal) does not vest in the taker of the wild animal, but remains in the state. The director shall do the following:

- (1) Seize and confiscate the wild animal in the name of the state of Indiana.
- (2) Sell or dispose of the wild animal.
- (3) Deposit proceeds, if any, into the fish and wildlife fund.

As added by P.L.1-1995, SEC.15.

IC 14-22-10-6

Liability for destruction of wild animals by pollutant

Sec. 6. (a) A person who, whether or not the person has been issued a certificate of approval, license, permit, or other document of approval authorized by this article or any other Indiana law, discharges, sprays, or releases waste materials, chemicals, or other substances:

- (1) either accidentally, negligently, or willfully;
- (2) in any quantity, concentration, or manner onto or in any water of Indiana, the boundary waters of the state, or onto or in public or private land; and
- (3) so that wild animals are killed as a result;

is responsible for the kill.

(b) The director shall, in the name of the state, recover damages, including the cost of restoration, from the person. Upon receipt of the estimates of the damages caused, the director shall notify the person responsible within ninety (90) days after the kill to the wild animals, and the director may enter into a proper and reasonable settlement with the person. In determining the damages caused, the director may

consider the following:

(1) The direct value of the wild animals killed.

(2) The direct value of law enforcement costs, including wages of investigating officers, cost of any materials used, and travel expenses.

(3) The value of damage to habitat, including injured vegetation, contaminated sediment, and dead invertebrate prey species.

(c) If the total sum of the values under subsection (b)(1), (b)(2), and (b)(3) exceeds five thousand dollars (\$5,000) in damages, the director may consider the following in addition to the damages calculated under subsection (b):

(1) The decreased value of the habitat for the number of years necessary for the habitat to recover to predamaged conditions.

(2) The value of lost recreational fishing and hunting time, including future decreased value for the number of years necessary for the recreational use to recover to predamaged conditions.

(d) If a settlement is not reached within a reasonable time, the department shall initiate a proceeding under IC 4-21.5 and IC 14-10-2 to recover damages.

(e) The proceeds of a recovery shall be used to replace, as far as and as promptly as possible, in whatever manner the director considers proper, the wild animal population or habitat in the waters or lands in question. If the improvement of the wild animal population or habitat in question is not practicable, the proceeds shall be deposited into the fish and wildlife fund.

As added by P.L.1-1995, SEC.15. Amended by P.L.219-2014, SEC.25.

IC 14-22-10-7

Effort to retrieve crippled or killed wild animals

Sec. 7. A person may not kill or cripple a wild animal without making a reasonable effort to retrieve the animal and include the animal in the person's daily bag limit.

As added by P.L.1-1995, SEC.15.

IC 14-22-10-8

Fish and game preserves

Sec. 8. (a) The director may designate and set aside waters containing state owned fish and waters of the state (including any part of the boundary waters of the state) for the purpose of improvement and propagation of the wild animal population. The director shall designate the general extent and limits or periphery by erecting appropriate signs.

(b) A person may not remove or disturb the signs erected under subsection (a) without authorization.

(c) A person may not take, catch, kill, or pursue for the purpose of taking, catching, or killing a wild animal from a designated area during the time the area is designated.

As added by P.L.1-1995, SEC.15.

IC 14-22-10-9

Interstate agreements on boundary waters

Sec. 9. (a) If necessary for the better protection of wild animals in or on the boundary waters of the state, the director may enter into an interstate agreement or compact for and in behalf of the state with any other state bordering the waters through the administrative or executive officer granted similar power by the other state's legislature.

(b) An agreement or a compact may establish the following:

- (1) Uniform open seasons on the animals in or on the water.
- (2) Uniform restrictions on the type and amount of gear and the method of use.
- (3) Uniform restrictions for weights or size of wild animals taken.
- (4) Uniform method of measurement of mesh.
- (5) Any other restriction on gear used or the possession or sale of wild animals taken from the water, if the restrictions are for the better protection of the wild animals in the water.

As added by P.L.1-1995, SEC.15.

IC 14-22-10-10

State as sole regulator

Sec. 10. (a) Except as provided in subsection (b), the state is the sole regulator of the trapping of wild animals in Indiana, and trapping is regulated only by:

- (1) statutes; and
- (2) rules adopted under IC 4-22-2 by authority of statute.

(b) A unit of local government may not regulate in any way the trapping of wild animals, except for the trapping of wild animals on or in land, buildings, or other real property that is owned by the unit of local government.

As added by P.L.52-2001, SEC.5.

IC 14-22-10-11

Regulation of raptors

Sec. 11. (a) As used in this section, "raptor" means a live migratory bird of the order Falconiformes or the order Strigiformes, other than a bald eagle (*Haliaeetus leucocephalus*) or a golden eagle (*Aquila chrysaetos*).

(b) Except as provided in subsection (c), a unit of local government may not regulate in any way the ownership, possession, sale, transfer, or transportation of a raptor while Indiana is on the list of states meeting federal falconry standards maintained under 50 CFR 21.29(k).

(c) Subsection (b) does not apply to raptors on or in land, buildings, or other real property, other than a highway or public highway, that is owned by a unit of local government.

As added by P.L.52-2001, SEC.6.