

IC 14-22-38

Chapter 38. Violations

IC 14-22-38-1

Violations generally

Sec. 1. (a) Except as otherwise provided in this article and subject to subsection (b), a person who violates this article commits a Class C infraction.

(b) Except as otherwise provided in this article, a person who knowingly or intentionally violates this article commits a Class C misdemeanor.

(c) A person may not be charged with both:

- (1) a Class C misdemeanor; and
- (2) a Class C infraction;

under this section for the same act or omission.

As added by P.L.1-1995, SEC.15. Amended by P.L.195-2014, SEC.16.

IC 14-22-38-2

Separate offenses

Sec. 2. The:

- (1) taking, catching, killing, possession, or transportation of each animal or part of an animal; or
- (2) possession of each fishing, hunting, or trapping apparatus, appliance, or device;

in violation of this article constitutes a separate offense. Each day's possession of an animal or each day's possession of a fishing, hunting, or trapping apparatus, appliance, or device the possession of which is prohibited by this article constitutes a separate offense.

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

IC 14-22-38-3

Unlawful taking of deer or wild turkey

Sec. 3. A person who takes a deer or a wild turkey in violation of this article commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior conviction under:

- (1) IC 14-2-3-8(c) (repealed); or
- (2) this section.

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

IC 14-22-38-4

Fines; unlawful taking of deer or wild turkey; sale of deer meat; use of silencer

Sec. 4. (a) If a person commits an offense that involves:

- (1) unlawfully taking or possessing a deer or wild turkey;
- (2) taking or possessing a deer or wild turkey by illegal methods or with illegal devices; or
- (3) except as provided in subsections (c) and (d), selling, offering to sell, purchasing, or offering to purchase a deer or wild turkey or a part of a deer or wild turkey;

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

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

(c) Notwithstanding section 6 of this chapter, if a properly tagged deer is brought to a meat processing facility and the owner of the deer:

- (1) fails to pick up the processed deer within a reasonable time; or
- (2) notifies the meat processing facility that the owner does not want the processed deer;

the deer meat may be given away by the meat processing facility to another person. The meat processing facility may charge the person receiving the deer meat a reasonable and customary processing fee.

(d) Notwithstanding section 6 of this chapter, deer meat and products from farm raised deer that meet the requirements under IC 15-17 may be sold to the public.

(e) In addition to being liable for the reimbursement required under subsection (a), a person who recklessly, knowingly, or intentionally violates subsection (a)(1) or (a)(2) while using or possessing:

- (1) a sound suppressor designed for use with or on a firearm, commonly called a silencer; or
- (2) a device used as a silencer;

commits unlawful hunting while using or possessing a silencer, a Class C misdemeanor.

As added by P.L. 1-1995, SEC.15. Amended by P.L. 75-2005, SEC.1; P.L. 2-2008, SEC.32; P.L. 289-2013, SEC.17; P.L. 195-2014, SEC.17.

IC 14-22-38-4.5

Use of silencer; penalty

Sec. 4.5. A person who recklessly, knowingly, or intentionally:

- (1) violates IC 14-22-10-1(1) by hunting on privately owned land without the consent of the owner or tenant; and
- (2) while committing the violation described in subdivision (1), uses or possesses:
 - (A) a sound suppressor designed for use with or on a firearm, commonly called a silencer; or
 - (B) a device used as a silencer;

commits unauthorized hunting on private land while using or possessing a silencer, a Class B misdemeanor.

As added by P.L. 289-2013, SEC.18.

IC 14-22-38-5

Fines; unlawful taking of other wild animals

Sec. 5. (a) A person who takes or possesses a wild animal, except a deer or turkey, in violation of this article shall reimburse the state as follows:

- (1) Twenty dollars (\$20) for the first violation.
- (2) Thirty-five dollars (\$35) for each subsequent violation.

(b) The money shall be deposited in the conservation officers fish and wildlife fund.

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

IC 14-22-38-6

Unlawful sale or shipment of wild animals, nests, or eggs

Sec. 6. (a) As used in this section, "guide services" means fishing or hunting guide or outfitter services that are offered or provided for money or other consideration.

(b) As used in this section, "sell" includes barters, purchases, and offers to sell, barter, or purchase.

(c) As used in this section, "ship" includes transporting, delivering for shipment or transport, and causing to be shipped or transported.

(d) As used in this section, "wild animal" includes the following:

- (1) A living or dead wild animal.
- (2) A part of a living or dead wild animal.

(e) A person who knowingly or intentionally:

- (1) sells or ships wild animals, nests, or eggs; or
- (2) provides guide services to take, acquire, receive, transport, or possess wild animals;

that are protected by law and have an aggregate market value of less than five hundred dollars (\$500) commits a Class C misdemeanor.

(f) A person who knowingly or intentionally:

- (1) sells or ships wild animals, nests, or eggs; or
- (2) provides guide services to take, acquire, receive, transport, or possess wild animals;

that are protected by law and have an aggregate market value of at least five hundred dollars (\$500) but less than five thousand dollars (\$5,000) commits a Level 6 felony.

(g) A person who knowingly or intentionally:

- (1) sells or ships wild animals, nests, or eggs; or
- (2) provides guide services to take, acquire, receive, transport, or possess wild animals;

that are protected by law and have an aggregate market value of at least five thousand dollars (\$5,000) commits a Level 5 felony.

As added by P.L.1-1995, SEC.15. Amended by P.L.158-2013, SEC.204; P.L.219-2014, SEC.31.

IC 14-22-38-7

Hunter orange

Sec. 7. (a) As used in this section, "hunter orange" means a daylight fluorescent orange with the dominant wavelength 595-605 nm, a purity of not less than eighty-five percent (85%), and a luminance factor of not less than forty percent (40%).

(b) As used in this section, "wear hunter orange" means to expose on one's person as an outer garment one (1) or more of the following articles of clothing that are solid hunter orange in color:

- (1) A vest.

- (2) A coat.
- (3) A jacket.
- (4) Coveralls.
- (5) A hat.
- (6) A cap.

However, articles of clothing specified under this section with logos, patches, insignia, or printing that does not substantially hinder the visibility of the hunter orange material are allowed under this section.

(c) This subsection applies only during the season when hunting by firearms (as defined in IC 14-22-40-3) is permitted under 312 IAC. A person who hunts for:

- (1) deer by firearm or bow and arrow;
- (2) cottontail rabbit;
- (3) squirrel, unless from a boat, during the period:
 - (A) beginning on the first Friday that follows November 3;
 - and
 - (B) ending on January 31 of the following year;
- (4) woodcock;
- (5) pheasant;
- (6) quail; or
- (7) ruffed grouse;

must wear hunter orange.

(d) A person who violates the requirement to:

- (1) wear hunter orange; or
- (2) display hunter orange on an occupied ground blind;

as specified in 312 IAC 9 commits a Class D infraction.

As added by P.L.104-2001, SEC.3. Amended by P.L.289-2013, SEC.19.