

## As Introduced

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H. B. No. 493

REPRESENTATIVES Latta, Aslanides, Carey, Gilb, Seitz, Niehaus, Hagan,  
Husted, Sullivan, Webster, Roman, Kearns, Wilson, Rhine, Hollister, Collier,  
Evans, Bocchieri, Faber, Buehrer, Schaffer, Reidelbach, Blasdel, Carmichael,  
Sulzer, Brinkman, Distel, Seaver, Redfern

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### A BILL

To amend sections 1533.05, 1533.07, 1533.121, 1533.73,  
and 1533.731 and to repeal sections 1531.021 and  
1531.022 of the Revised Code to eliminate the  
special requirements governing Sunday hunting, and  
to revise the law governing the disposition of deer  
killed by motor vehicles.

### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

**Section 1.** That sections 1533.05, 1533.07, 1533.121, 1533.73,  
and 1533.731 of the Revised Code be amended to read as follows:

**Sec. 1533.05.** (A) As used in this section and section  
1533.051 of the Revised Code, "raptor" means a live migratory bird  
of the family Falconidae or of the family Accipitridae other than  
a bald eagle (*Haliaeetus leucocephalus*).

(B) The chief of the division of wildlife may authorize the  
taking, possession, and transportation of raptors for use in the  
sport of falconry by rules adopted pursuant to section 1531.08 of  
the Revised Code. The rules shall be consistent with federal  
regulations governing raptors and may authorize the taking of game

by the use of raptors, including taking with a trained raptor and  
a dog.

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The chief, by rules adopted pursuant to section 1531.08 of  
the Revised Code, may do all of the following:

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(1) Notwithstanding any other rule governing the taking of  
quail, authorize a person engaged in the sport of falconry to  
permit the person's raptor to take quail;

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~~(2) Authorize a person engaged in the sport of falconry to  
permit the person's raptor to take game on Sunday within legal  
seasons;~~

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~~(3) Authorize special falconry seasons;~~

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~~(4)~~(3) Authorize a person engaged in the sport of falconry to  
possess and to permit the person's raptor to take European  
starlings, English sparrows, and common pigeons, other than homing  
pigeons, at any time.

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(C) No person shall take, possess, or transport a raptor for  
use in the sport of falconry or shall practice falconry without a  
permit to do so issued by the chief. The duration of the permit  
shall be consistent with applicable federal requirements. The  
chief may require a separate permit for the taking of raptors.

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The fees for permits shall be set by the chief in amounts  
sufficient to cover the expenses of the division of wildlife in  
exercising its authority under this section and may vary according  
to class and type of permit. Moneys received from the sale of  
permits shall be paid into the state treasury to the credit of the  
fund established in section 1533.15 of the Revised Code.

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An applicant for a permit shall present a valid hunting  
license issued to the applicant for the current license year under  
section 1533.13 of the Revised Code and shall maintain a valid and  
current hunting license thereafter while taking or attempting to

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take game or raptors to be used for falconry purposes. A permit 48  
issued under this section is not transferable. No person shall 49  
carry a permit issued in the name of another person. 50

(D) Every person, while engaged in falconry on the lands of 51  
another, shall carry the permit issued to the person under this 52  
section together with a valid hunting license issued to the person 53  
for the current license year under section 1533.13 of the Revised 54  
Code and shall exhibit the permit and license to any law 55  
enforcement officer requesting to see them. 56

(E) Notwithstanding any other provision of this section, of 57  
any rule adopted by the chief governing falconry, or of any 58  
federal regulation governing raptors, no person shall take or 59  
disturb for the purpose of falconry the nest of a wild raptor or 60  
any young raptor in the wild that is not yet capable of flight 61  
except in such situations, and under the direct supervision of a 62  
wildlife officer, where the nest otherwise would be destroyed or 63  
the raptor would not survive. 64

**Sec. 1533.07.** No person shall catch, kill, injure, pursue, or 65  
have in the person's possession, either dead or alive, or 66  
purchase, expose for sale, transport, or ship to a point within or 67  
without the state, or receive or deliver for transportation any 68  
bird other than a game bird, or have in the person's possession 69  
any part of the plumage, skin, or body of any bird other than a 70  
game bird, except as permitted in Chapter 1531. and this chapter 71  
of the Revised Code, or disturb or destroy the eggs, nest, or 72  
young of such a bird. 73

This section does not prohibit the lawful taking, killing, 74  
pursuing, or possession of any game bird during the open season 75  
for the bird. Hawks or owls causing damage to domestic animals or 76  
fowl may be killed by the owner of the domestic animal or fowl 77  
while the damage is occurring. Bald or golden eagles and ospreys 78

shall not be killed or possessed at any time, except that eagles  
or ospreys may be possessed for educational purposes by  
governmental or municipal zoological parks, museums, and  
scientific or educational institutions. European starlings,  
English sparrows, and common pigeons, other than homing pigeons,  
may be killed at any time, ~~except as provided in section 1531.021  
of the Revised Code,~~ and their nests or eggs may be destroyed, at  
any time. Blackbirds may be killed at any time, ~~except as provided  
in section 1531.021 of the Revised Code,~~ when doing damage to  
grain or other property or when they become a nuisance.

Each bird or any part thereof taken or had in possession  
contrary to this section constitutes a separate offense.

**Sec. 1533.121.** Except as otherwise provided by division rule,  
the ~~resident~~ driver of every motor vehicle that has caused the  
death of a deer by striking the deer on a highway may take  
possession of the deer, provided that within twenty-four hours  
thereafter, ~~he~~ the driver reports the accident to a wildlife  
officer or other law enforcement officer. The officer shall  
investigate, and, if ~~he~~ the officer finds the death has been  
caused as alleged, ~~he~~ the officer shall give a certificate for  
legal ownership of the deer to the ~~person entitling the person to~~  
~~the ownership of the carcass to be possessed and consumed by the~~  
~~driver and the immediate family of the driver of the vehicle or by~~  
~~giving the carcass. If the deer is unclaimed, the certificate for~~  
legal ownership may be given to a private or public institution or  
charity or to another person.

**Sec. 1533.73.** (A) Except as otherwise provided in this  
division or by division rule, licensed commercial bird shooting  
preserves may be established in any county of the state, but no  
such preserve shall be less than eighty acres or more than six  
hundred forty acres in area. A commercial bird shooting preserve

shall be in one continuous block of land, except that the block of 110  
land may be intersected by highways or roads. No commercial bird 111  
shooting preserve shall be located within fifteen hundred feet of 112  
any other such preserve. 113

A licensed commercial bird shooting preserve operated by a 114  
municipal corporation on lands located within its corporate limits 115  
is not subject to this division. 116

(B) The boundaries of each licensed commercial bird shooting 117  
preserve shall be clearly defined by posting, at intervals of not 118  
more than two hundred feet, with signs prescribed by the division 119  
of wildlife. 120

(C) Mallard or black ducks and other game birds upon which 121  
there is an open season in this state, which the chief of the 122  
division may approve for such use, and that have been legally 123  
acquired or propagated under the authority of a propagating 124  
license issued under section 1533.71 of the Revised Code and 125  
marked and banded as provided in division (D) of this section may 126  
be released and harvested by shooting within the confines of any 127  
licensed commercial bird shooting preserve between sunrise and 128  
sunset, without regard to sex, daily bag limit, or open season, 129  
~~and including Sundays,~~ by licensed hunters authorized by the 130  
holder of the commercial bird shooting preserve license to hunt on 131  
those lands. 132

(D) All game birds released on a licensed commercial bird 133  
shooting preserve shall first be banded with a leg band that shall 134  
bear upon it a symbol identifying the commercial bird shooting 135  
preserve. No game birds shall be possessed or transported outside 136  
the licensed area unless each such bird is tagged with a suitable 137  
tag or seal supplied by the division. 138

(E) The holder of a commercial bird shooting preserve license 139  
shall raise, or purchase, and release on the licensed commercial 140  
bird shooting preserve at least five hundred pheasants annually. 141

With the approval of the chief, the license holder may raise, or  
purchase, and release, in lieu of pheasants, a like number of  
other game birds. No person shall fail to release the required  
number of game birds on a licensed commercial bird shooting  
preserve as required by this division.

(F) The holder of a commercial bird shooting preserve license  
is not liable for any damage to or destruction of growing crops on  
land adjacent to the preserve caused by game birds released on the  
preserve.

(G) No holder of a commercial bird shooting preserve license  
shall violate this chapter or Chapter 1531. of the Revised Code or  
any division rule.

**Sec. 1533.731.** (A) No wild animal hunting preserve shall be  
less than eighty acres in area. Each such preserve shall be in one  
continuous block of land, except that the block of land may be  
intersected by highways or roads. No wild animal hunting preserve  
shall be located within three thousand feet of another such  
preserve or of a commercial bird shooting preserve licensed under  
section 1533.72 of the Revised Code.

The boundaries of each wild animal hunting preserve shall be  
clearly defined by posting, at intervals of not more than two  
hundred feet, with signs prescribed by the division of wildlife.  
Each wild animal hunting preserve shall be surrounded by a fence  
at least six feet in height that is constructed of a woven wire  
mesh, or such other enclosure approved by the chief of the  
division of wildlife.

(B)(1) Except as provided in divisions (B)(2) and (3) of this  
section, game and nonnative wildlife that have been approved by  
the chief for such use, that have been legally acquired or  
propagated under the authority of a propagating license issued  
under section 1533.71 of the Revised Code, and that are marked and

tagged as provided in division (C) of this section may be released 173  
and hunted within the confines of the licensed wild animal hunting 174  
preserve between sunrise and sunset, without regard to sex, bag 175  
limit, or open season, ~~and including Sundays~~, by licensed hunters 176  
authorized by the holder of the wild animal hunting preserve 177  
license to hunt on those lands. The chief shall establish, by 178  
rule, the allowable methods of taking game and nonnative wildlife 179  
in a wild animal hunting preserve. 180

(2) No game or nonnative wildlife on the federal endangered 181  
species list established in accordance with the "Endangered 182  
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1531, as amended, 183  
or the state endangered species list established in rules adopted 184  
under section 1531.25 of the Revised Code, no bears native to 185  
North America, and no large carnivores of the family Felidae shall 186  
be released for hunting or hunted in any wild animal hunting 187  
preserve in this state. 188

(3) No person shall release for hunting or hunt within a wild 189  
animal hunting preserve any game or nonnative wildlife not listed 190  
in the application for a license for that preserve. 191

(C) All game and nonnative wildlife released on a wild animal 192  
hunting preserve shall be identified with a tag that shall bear 193  
upon it a symbol identifying the preserve. 194

(D) For the purposes of division (B) of section 1533.02 of 195  
the Revised Code, the owner or operator of a wild animal hunting 196  
preserve shall furnish each person who takes any game or nonnative 197  
wildlife from the preserve a certificate bearing a description of 198  
the animal, the date the animal was taken, and the name of the 199  
preserve. 200

(E) The chief shall adopt rules under section 1531.10 of the 201  
Revised Code that provide for the safety of the public and for the 202  
protection of the game and nonnative wildlife to be hunted in a 203

wild animal hunting preserve prior to their release in the 204  
preserve. 205

(F) No holder of a wild animal hunting preserve license shall 206  
violate Chapter 1531. or this chapter of the Revised Code or any 207  
division rule. 208

(G) This section does not authorize the hunting of game birds 209  
in a licensed wild animal hunting preserve. 210

**Section 2.** That existing sections 1533.05, 1533.07, 1533.121, 211  
1533.73, and 1533.731 and sections 1531.021 and 1531.022 of the 212  
Revised Code are hereby repealed. 213