

As Introduced

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H. B. No. 238

Representatives Latta, Stewart, J.

**Cosponsors: Representatives McGregor, J., Bulp, Evans, Ujvagi, Koziura,
Zehringer, Bolon, Okey, Miller**

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A B I L L

To amend section 1531.201 of the Revised Code to 1
revise provisions governing the restitution value 2
of a wild animal that is unlawfully held, taken, 3
bought, sold, or possessed. 4

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

Section 1. That section 1531.201 of the Revised Code be 5
amended to read as follows: 6

Sec. 1531.201. (A) As used in this section: 7

(1) "Gross score" means the number derived by calculating the 8
measurements of the antlers of a white-tailed deer in accordance 9
with division (C)(2) of this section. 10

(2) "Point" means a projection on the antler of a 11
white-tailed deer that is at least one-inch long as measured from 12
its tip to the nearest edge of antler beam and the length of which 13
exceeds the length of its base. "Point" does not include an antler 14
beam tip. 15

(3) "Abnormal point" means a point that is nontypical in 16
shape or location. 17

(4) "Normal point" means a point that projects from the main antler beam in a typical shape or location. 18
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(5) "Inside spread of main antler beams" means the measurement at right angles to the center line of the skull of a white-tailed deer at the widest point between main antler beams. 20
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(6) "Length of main antler beam" means the measurement from the lowest outside edge of the antler burr of a white-tailed deer over the outer curve to the most distant point of what is or appears to be the main antler beam beginning at the place on the antler burr where the center line along the outer curve of the beam intersects the antler burr. 23
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(7) "Antler burr" means the elevated bony rim around the antler base of a white-tailed deer that is just above the skin of the pedicle. 29
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(B) The chief of the division of wildlife or his the chief's authorized representative may bring a civil action to recover possession of or the restitution value of any wild animal held, taken, bought, sold, or possessed in violation of this chapter or Chapter 1533. of the Revised Code or any division rule against any person who held, took, bought, sold, or possessed, or exercised control over the wild animal. Except as otherwise provided by division rule, the following shall be presumed to be the minimum value to the state of wild animals illegally held, taken, or possessed: 32
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- ~~(A) Each whitetail deer.....\$ 400.00~~ 42
- ~~(B) Each fur bearing animal..... 50.00~~ 43
- ~~(C) Each game bird 50.00~~ 44
- ~~(D) Each nongame bird..... 25.00~~ 45
- ~~(E) Each eagle 1,000.00~~ 46
- ~~(F) Each osprey..... 750.00~~ 47

(G) Each hawk or owl	100.00	48
(H) Each game quadruped.....	50.00	49
(I) Each fish.....	10.00	50
(J) Each wild turkey	300.00	51
(K) Each endangered or threatened species.....	1,000.00	52
(L) Each other wild animal	200.00	53

The minimum restitution value to the state for wild animals 54
that are unlawfully held, taken, bought, sold, or possessed shall 55
be established in division rule. 56

(C)(1) In addition to any restitution value established in 57
division rule, a person who is convicted of a violation of this 58
chapter or Chapter 1533. of the Revised Code or a division rule 59
governing the holding, taking, buying, sale, or possession of an 60
antlered white-tailed deer with a gross score of more than one 61
hundred twenty-five inches also shall pay an additional 62
restitution value that is calculated using the following formula: 63

Additional restitution value = ((gross score - 100)² x 64
\$1.65). 65

(2) The gross score of an antlered white-tailed deer shall be 66
determined by taking and adding together all of the following 67
measurements, which shall be made to the nearest one-eighth of an 68
inch using a one-quarter-inch wide flexible steel tape: 69

(a) Inside spread of the main antler beams, not to exceed the 70
length of the longest main antler beam; 71

(b) Length of the right main antler beam; 72

(c) Length of the left main antler beam; 73

(d) Total length of all abnormal points; 74

(e) Total length of all normal points as measured from the 75
nearest edge of the main antler beam over the outer curve to the 76

tip. To determine the baseline for normal point measurement, the 77
tape shall be laid along the outer curve of the antler beam so 78
that the top edge of the tape coincides with the top edge of the 79
antler beam on both sides of the point. 80

(f) Circumference taken at the narrowest place between the 81
antler burr and the first normal point on the right main antler 82
beam. If the first normal point is missing, the circumference 83
shall be taken at the narrowest place between the antler burr and 84
the second normal point. 85

(g) Circumference taken at the narrowest place between the 86
first normal point and the second normal point on the right main 87
antler beam. If the first normal point is missing, the 88
circumference shall be taken at the narrowest place between the 89
antler burr and the second normal point. 90

(h) Circumference taken at the narrowest place between the 91
second normal point and the third normal point on the right main 92
antler beam; 93

(i) Circumference taken at the narrowest place between the 94
third normal point and the fourth normal point on the right main 95
antler beam. If the fourth normal point is missing, the 96
circumference shall be taken halfway between the third normal 97
point and the tip of the main antler beam. 98

(j) Circumference taken at the narrowest place between the 99
antler burr and the first normal point on the left main antler 100
beam. If the first normal point is missing, the circumference 101
shall be taken at the narrowest place between the antler burr and 102
the second normal point. 103

(k) Circumference taken at the narrowest place between the 104
first normal point and the second normal point on the left main 105
antler beam. If the first normal point is missing, the 106
circumference shall be taken at the narrowest place between the 107

antler burr and the second normal point. 108

(l) Circumference taken at the narrowest place between the 109
second normal point and the third normal point on the left main 110
antler beam; 111

(m) Circumference taken at the narrowest place between the 112
third normal point and the fourth normal point on the right main 113
antler beam. If the fourth normal point is missing, the 114
circumference shall be taken halfway between the third normal 115
point and the tip of the main antler beam. 116

Antlers may be measured at any time; no drying time is 117
required. 118

(D) Upon conviction of holding, taking, buying, selling, or 119
possessing a wild animal in violation of this chapter, Chapter 120
1533. of the Revised Code, or a division rule, the chief shall 121
revoke until payment of the restitution value is made each hunting 122
license, fur taker permit, deer permit, wild turkey permit, 123
wetlands habitat stamp, and fishing license issued to that person 124
under this chapter or Chapter 1533. of the Revised Code. No fee 125
paid for such a license, permit, or stamp shall be returned to the 126
person. 127

Upon revoking a person's license, permit, or stamp or a 128
combination thereof under this division, the chief immediately 129
shall send a notice of that action by certified mail to the last 130
known address of the person. The notice shall state the action 131
taken, order the person to surrender the revoked license, permit, 132
or stamp or combination thereof, and state that the department of 133
natural resources will not afford a hearing as required under 134
section 119.06 of the Revised Code. 135

(E) Nothing in this section affects the right of seizure 136
under any other section of the Revised Code. 137

Section 2. That existing section 1531.201 of the Revised Code 138

is hereby repealed.

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