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Representatives Latta, Stewart, J.

Cosponsors: Representatives McGregor, J., Bulp, Evans, Ujvagi, Koziura, Zehringer, Bolon, Okey, Miller, Aslanides, Distel, Goodwin, Huffman, Sayre, Hite, Luckie, Adams, Batchelder, Book, Chandler, DeBose, Domenick, Dyer, Gibbs, Goyal, Hagan, J., Hughes, Letson, Mallory, Otterman, Patton, Schlichter, Uecker, Wachtmann, Wagoner, Webster, Widener, Yates

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A B I L L

To amend sections 1531.201, 1531.99, and 1533.99 of
the Revised Code to revise provisions governing
the restitution value of a wild animal that is
unlawfully held, taken, bought, sold, or
possessed.

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

Section 1. That sections 1531.201, 1531.99, and 1533.99 of
the Revised Code be amended to read as follows:

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

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

(2) "Point" means a projection on the antler of a
white-tailed deer that is at least one-inch long as measured from
its tip to the nearest edge of antler beam and the length of which

exceeds the length of its base. "Point" does not include an antler 15
beam tip. 16

(3) "Abnormal point" means a point that is nontypical in 17
shape or location. 18

(4) "Normal point" means a point that projects from the main 19
antler beam in a typical shape or location. 20

(5) "Inside spread of main antler beams" means the 21
measurement at right angles to the center line of the skull of a 22
white-tailed deer at the widest point between main antler beams. 23

(6) "Length of main antler beam" means the measurement from 24
the lowest outside edge of the antler burr of a white-tailed deer 25
over the outer curve to the most distant point of what is or 26
appears to be the main antler beam beginning at the place on the 27
antler burr where the center line along the outer curve of the 28
beam intersects the antler burr. 29

(7) "Antler burr" means the elevated bony rim around the 30
antler base of a white-tailed deer that is just above the skin of 31
the pedicle. 32

(B) The chief of the division of wildlife or ~~his~~ the chief's 33
authorized representative may bring a civil action to recover 34
possession of or the restitution value of any wild animal held, 35
taken, bought, sold, or possessed in violation of this chapter or 36
Chapter 1533. of the Revised Code or any division rule against any 37
person who held, took, bought, sold, or possessed, ~~or exercised~~ 38
~~control over~~ the wild animal. ~~Except as otherwise provided by~~ 39
~~division rule, the following shall be presumed to be the minimum~~ 40
~~value to the state of wild animals illegally held, taken, or~~ 41
~~possessed:~~ 42

~~(A) Each whitetail deer.....\$ 400.00~~ 43

~~(B) Each fur bearing animal..... 50.00~~ 44

(C) Each game bird	50.00	45
(D) Each nongame bird.....	25.00	46
(E) Each eagle	1,000.00	47
(F) Each osprey.....	750.00	48
(G) Each hawk or owl	100.00	49
(H) Each game quadruped.....	50.00	50
(I) Each fish.....	10.00	51
(J) Each wild turkey	300.00	52
(K) Each endangered or threatened species.....	1,000.00	53
(L) Each other wild animal	200.00	54

The minimum restitution value to the state for wild animals 55
that are unlawfully held, taken, bought, sold, or possessed shall 56
be established in division rule. 57

(C)(1) In addition to any restitution value established in 58
division rule, a person who is convicted of a violation of this 59
chapter or Chapter 1533. of the Revised Code or a division rule 60
governing the holding, taking, buying, sale, or possession of an 61
antlered white-tailed deer with a gross score of more than one 62
hundred twenty-five inches also shall pay an additional 63
restitution value that is calculated using the following formula: 64

Additional restitution value = ((gross score - 100)² x 65
\$1.65). 66

(2) The gross score of an antlered white-tailed deer shall be 67
determined by taking and adding together all of the following 68
measurements, which shall be made to the nearest one-eighth of an 69
inch using a one-quarter-inch wide flexible steel tape: 70

(a) Inside spread of the main antler beams, not to exceed the 71
length of the longest main antler beam; 72

<u>(b) Length of the right main antler beam;</u>	73
<u>(c) Length of the left main antler beam;</u>	74
<u>(d) Total length of all abnormal points;</u>	75
<u>(e) Total length of all normal points as measured from the</u>	76
<u>nearest edge of the main antler beam over the outer curve to the</u>	77
<u>tip. To determine the baseline for normal point measurement, the</u>	78
<u>tape shall be laid along the outer curve of the antler beam so</u>	79
<u>that the top edge of the tape coincides with the top edge of the</u>	80
<u>antler beam on both sides of the point.</u>	81
<u>(f) Circumference taken at the narrowest place between the</u>	82
<u>antler burr and the first normal point on the right main antler</u>	83
<u>beam. If the first normal point is missing, the circumference</u>	84
<u>shall be taken at the narrowest place between the antler burr and</u>	85
<u>the second normal point.</u>	86
<u>(g) Circumference taken at the narrowest place between the</u>	87
<u>first normal point and the second normal point on the right main</u>	88
<u>antler beam. If the first normal point is missing, the</u>	89
<u>circumference shall be taken at the narrowest place between the</u>	90
<u>antler burr and the second normal point.</u>	91
<u>(h) Circumference taken at the narrowest place between the</u>	92
<u>second normal point and the third normal point on the right main</u>	93
<u>antler beam;</u>	94
<u>(i) Circumference taken at the narrowest place between the</u>	95
<u>third normal point and the fourth normal point on the right main</u>	96
<u>antler beam. If the fourth normal point is missing, the</u>	97
<u>circumference shall be taken halfway between the third normal</u>	98
<u>point and the tip of the main antler beam.</u>	99
<u>(j) Circumference taken at the narrowest place between the</u>	100
<u>antler burr and the first normal point on the left main antler</u>	101
<u>beam. If the first normal point is missing, the circumference</u>	102

shall be taken at the narrowest place between the antler burr and 103
the second normal point. 104

(k) Circumference taken at the narrowest place between the 105
first normal point and the second normal point on the left main 106
antler beam. If the first normal point is missing, the 107
circumference shall be taken at the narrowest place between the 108
antler burr and the second normal point. 109

(l) Circumference taken at the narrowest place between the 110
second normal point and the third normal point on the left main 111
antler beam; 112

(m) Circumference taken at the narrowest place between the 113
third normal point and the fourth normal point on the left main 114
antler beam. If the fourth normal point is missing, the 115
circumference shall be taken halfway between the third normal 116
point and the tip of the main antler beam. 117

Antlers may be measured at any time; no drying time is 118
required. 119

(D) Upon conviction of holding, taking, buying, selling, or 120
possessing a wild animal in violation of this chapter, Chapter 121
1533. of the Revised Code, or a division rule, the chief shall 122
revoke until payment of the restitution value is made each hunting 123
license, fur taker permit, deer permit, wild turkey permit, 124
wetlands habitat stamp, and fishing license issued to that person 125
under this chapter or Chapter 1533. of the Revised Code. No fee 126
paid for such a license, permit, or stamp shall be returned to the 127
person. 128

Upon revoking a person's license, permit, or stamp or a 129
combination thereof under this division, the chief immediately 130
shall send a notice of that action by certified mail to the last 131
known address of the person. The notice shall state the action 132
taken, order the person to surrender the revoked license, permit, 133

or stamp or combination thereof, and state that the department of 134
natural resources will not afford a hearing as required under 135
section 119.06 of the Revised Code. 136

(E) Nothing in this section affects the right of seizure 137
under any other section of the Revised Code. 138

Sec. 1531.99. (A) Whoever violates section 1531.02 of the 139
Revised Code, or any division rule, other than a rule adopted 140
under section 1531.25 of the Revised Code, is guilty of a 141
misdemeanor of the fourth degree. 142

(B) Whoever violates section 1531.02 of the Revised Code 143
concerning the taking or possession of deer or violates division 144
(K) of section 1531.06 or section 1531.07 or 1531.29 of the 145
Revised Code is guilty of a misdemeanor of the third degree on a 146
first offense; on each subsequent offense, that person is guilty 147
of a misdemeanor of the first degree. 148

(C) Whoever violates section 1531.25 of the Revised Code is 149
guilty of a misdemeanor of the first degree. 150

(D) Whoever violates section 1531.02 of the Revised Code 151
concerning the buying, selling, or offering for sale of any wild 152
animals or parts of wild animals, the minimum value of which 153
animals or parts, in the aggregate, is one thousand dollars or 154
more as established under section 1531.201 of the Revised Code, is 155
guilty of a felony of the fifth degree. 156

(E) A court that imposes sentence for a violation of any 157
section of this chapter governing the holding, taking, buying, 158
selling, or possession of wild animals, including, without 159
limitation, section 1531.11 of the Revised Code, ~~shall~~ may require 160
the person who is convicted of or pleads guilty to the offense, in 161
addition to any fine, term of imprisonment, seizure, and 162
forfeiture imposed, to make restitution for the minimum value of 163

the wild animal illegally held, taken, bought, sold, or possessed 164
as established under section 1531.201 of the Revised Code. An 165
officer who collects moneys paid as restitution under this section 166
shall pay those moneys to the treasurer of state who shall deposit 167
them in the state treasury to the credit of the wildlife fund 168
established under section 1531.17 of the Revised Code. 169

Sec. 1533.99. (A) Whoever violates section 1533.17 of the 170
Revised Code is guilty of a misdemeanor of the third degree on a 171
first offense and a misdemeanor of the second degree on each 172
subsequent offense. In addition to any other sanction imposed 173
under this division, on a second or subsequent offense occurring 174
within a period of three consecutive years after the date of 175
conviction of the immediately preceding violation of that section 176
any firearms or other hunting implements in the possession or 177
under the control of the offender at the time of the violation are 178
subject to seizure in accordance with section 1531.20 of the 179
Revised Code. If the offender persists in the offense after 180
reasonable warning or request to desist, the offender is guilty of 181
a misdemeanor of the second degree. 182

(B) Whoever violates section 1533.161, 1533.23, 1533.24, 183
1533.301, 1533.40, 1533.41, 1533.45, 1533.48, 1533.511, 1533.55, 184
1533.56, 1533.58, 1533.62, 1533.631, 1533.66, 1533.71, 1533.72, 185
1533.73, 1533.74, 1533.75, 1533.76, 1533.77, 1533.79, or 1533.80, 186
division (F) of section 1533.731, or division (B) or (C) of 187
section 1533.97 of the Revised Code is guilty of a misdemeanor of 188
the third degree. 189

(C) Whoever violates division (B) of section 1533.03, section 190
1533.07, 1533.171, 1533.34, 1533.341, 1533.342, 1533.35, 1533.42, 191
1533.51, 1533.63, 1533.64, 1533.67, 1533.68, 1533.721, 1533.881, 192
or 1533.882, division (B)(2) or (3) of section 1533.731, or 193
division (A) of section 1533.97 of the Revised Code is guilty of a 194

misdemeanor of the first degree. 195

(D) Whoever violates division (D) of section 1533.97 of the 196
Revised Code is guilty of a misdemeanor of the fourth degree. The 197
court shall require any person who is convicted of or pleads 198
guilty to the offense to refund to all participants in the fishing 199
tournament operated by the person any entry fees paid by the 200
participants. 201

(E) Whoever violates division (C) or (D) of section 1533.632 202
of the Revised Code is guilty of a felony of the fifth degree. 203

(F) Whoever violates any section of this chapter for which no 204
penalty is otherwise provided is guilty of a misdemeanor of the 205
fourth degree. 206

(G) A court that imposes sentence for a violation of any 207
section of this chapter governing the holding, taking, or 208
possession of wild animals ~~shall~~ may require the person who is 209
convicted of or pleads guilty to the offense, in addition to any 210
fine, term of imprisonment, seizure, and forfeiture imposed, to 211
make restitution for the minimum value of the wild animal or 212
animals illegally held, taken, or possessed as established under 213
section 1531.201 of the Revised Code. An officer who collects 214
moneys paid as restitution under this section shall pay those 215
moneys to the treasurer of state who shall deposit them in the 216
state treasury to the credit of the wildlife fund established 217
under section 1531.17 of the Revised Code. 218

Section 2. That existing sections 1531.201, 1531.99, and 219
1533.99 of the Revised Code is hereby repealed. 220