

**As Reported by the House Agriculture and Natural Resources
Committee**

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H. B. No. 238

Representatives Latta, Stewart, J.

**Cosponsors: Representatives McGregor, J., Bubb, Evans, Ujvagi, Koziura,
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Hite, Luckie**

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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 shape or location. 16
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(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

<u>(d) Total length of all abnormal points;</u>	74
<u>(e) Total length of all normal points as measured from the nearest edge of the main antler beam over the outer curve to the tip. To determine the baseline for normal point measurement, the tape shall be laid along the outer curve of the antler beam so that the top edge of the tape coincides with the top edge of the antler beam on both sides of the point.</u>	75 76 77 78 79 80
<u>(f) Circumference taken at the narrowest place between the antler burr and the first normal point on the right main antler beam. If the first normal point is missing, the circumference shall be taken at the narrowest place between the antler burr and the second normal point.</u>	81 82 83 84 85
<u>(g) Circumference taken at the narrowest place between the first normal point and the second normal point on the right main antler beam. If the first normal point is missing, the circumference shall be taken at the narrowest place between the antler burr and the second normal point.</u>	86 87 88 89 90
<u>(h) Circumference taken at the narrowest place between the second normal point and the third normal point on the right main antler beam;</u>	91 92 93
<u>(i) Circumference taken at the narrowest place between the third normal point and the fourth normal point on the right main antler beam. If the fourth normal point is missing, the circumference shall be taken halfway between the third normal point and the tip of the main antler beam.</u>	94 95 96 97 98
<u>(j) Circumference taken at the narrowest place between the antler burr and the first normal point on the left main antler beam. If the first normal point is missing, the circumference shall be taken at the narrowest place between the antler burr and the second normal point.</u>	99 100 101 102 103
<u>(k) Circumference taken at the narrowest place between the</u>	104

first normal point and the second normal point on the left main antler beam. If the first normal point is missing, the circumference shall be taken at the narrowest place between the antler burr and the second normal point. 105
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(l) Circumference taken at the narrowest place between the second normal point and the third normal point on the left main antler beam; 109
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(m) Circumference taken at the narrowest place between the third normal point and the fourth normal point on the right main antler beam. If the fourth normal point is missing, the circumference shall be taken halfway between the third normal point and the tip of the main antler beam. 112
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Antlers may be measured at any time; no drying time is required. 117
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(D) Upon conviction of holding, taking, buying, selling, or possessing a wild animal in violation of this chapter, Chapter 1533. of the Revised Code, or a division rule, the chief shall revoke until payment of the restitution value is made each hunting license, fur taker permit, deer permit, wild turkey permit, wetlands habitat stamp, and fishing license issued to that person under this chapter or Chapter 1533. of the Revised Code. No fee paid for such a license, permit, or stamp shall be returned to the person. 119
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Upon revoking a person's license, permit, or stamp or a combination thereof under this division, the chief immediately shall send a notice of that action by certified mail to the last known address of the person. The notice shall state the action taken, order the person to surrender the revoked license, permit, or stamp or combination thereof, and state that the department of natural resources will not afford a hearing as required under section 119.06 of the Revised Code. 128
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(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. 139