

HOUSE BILL No. 1563

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-3.5.

Synopsis: Ban on ivory and rhino horn sales. Makes the sale or other transfer of ownership of an article consisting of or containing ivory or rhino horn a Class A misdemeanor. Provides the following exceptions: (1) If the article is at least 100 years old and ivory or rhino horn constitutes less than 20% of the article by volume. (2) If the sale or transfer of ownership of the article is for bona fide educational or scientific purposes or is to a museum or educational institution. (3) If the transfer of ownership of the article is from a decedent or decedent's estate to an heir or devisee. (4) If the article is a musical instrument that was manufactured not later than 1975.

Effective: July 1, 2019.

Bauer

January 17, 2019, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1563

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-46-3.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]:
4 **Chapter 3.5. Sale or Transfer of Ivory or Rhino Horn**
5 **Sec. 1. As used in this chapter, "ivory" means material taken**
6 **from:**
7 **(1) a tusk of:**
8 **(A) an African elephant or Asian elephant; or**
9 **(B) a walrus; or**
10 **(2) the protruding tooth of a narwhal.**
11 **Sec. 2. As used in this chapter, "rhino horn" means material**
12 **taken from a horn of a white rhinoceros, a black rhinoceros, an**
13 **Indian rhinoceros, a Javan rhinoceros, or a Sumatran rhinoceros.**
14 **Sec. 3. (a) Except as provided in subsection (b), a person who**
15 **knowingly or intentionally sells or otherwise transfers ownership**
16 **of an article:**
17 **(1) consisting of; or**



- 1 **(2) containing;**
- 2 **ivory or rhino horn commits sale or transfer of ivory or rhino**
- 3 **horn, a Class A misdemeanor.**
- 4 **(b) A person who sells or otherwise transfers ownership of an**
- 5 **article consisting of or containing ivory or rhino horn does not**
- 6 **commit an offense under subsection (a) if:**
- 7 **(1) ivory or rhino horn constitutes less than twenty percent**
- 8 **(20%) of the article by volume and the article is at least one**
- 9 **hundred (100) years old;**
- 10 **(2) the sale or transfer of ownership of the article is:**
- 11 **(A) for bona fide educational or scientific purposes; or**
- 12 **(B) to a museum or educational institution;**
- 13 **(3) the transfer of ownership of the article is from a decedent**
- 14 **or decedent's estate to an heir, in accordance with**
- 15 **IC 29-1-2-1, or devisee under IC 29-1; or**
- 16 **(4) the article is a musical instrument that was manufactured**
- 17 **not later than 1975.**

