

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 480**

**Representative Green**

**Cosponsors: Representatives Boose, Becker, Thompson**

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**A BILL**

To amend sections 1533.61 and 1533.99 of the 1  
Revised Code to require persons authorized under 2  
existing law to possess gill nets for specified 3  
purposes to obtain annual licenses and serial 4  
numbered tags for the gill nets, to authorize a 5  
holder of an aquaculture permit to possess and 6  
use a gill net in accordance with such a license 7  
and tag, to specify a criminal penalty 8  
applicable to a person who fails to properly 9  
possess a gill net, and to make other changes 10  
governing the possession of nets, traps, or 11  
other devices for catching fish under the 12  
Hunting and Fishing Law. 13

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

**Section 1.** That sections 1533.61 and 1533.99 of the 14  
Revised Code be amended to read as follows: 15

**Sec. 1533.61.** ~~This chapter and Chapter 1531. of the~~ 16  
~~Revised Code do not apply to any~~ (A) A person may possess a net, 17  
trap, or other device for catching fish otherwise prohibited 18

under this chapter and Chapter 1531. of the Revised Code if one 19  
of the following apply: 20

~~(A) Nets~~(1) The net, traps trap, or other devices device 21  
for catching fish is in the possession of the owner of a private 22  
artificial fish pond or privately owned lake for use only in 23  
that pond or lake~~.~~ 24

~~(B) Fish nets~~(2) The net, fish traps trap, or other 25  
~~devices device~~ for catching fish, ~~not otherwise prohibited,~~ is 26  
to be used in catching fish in Lake Erie, or in those bays, 27  
marshes, estuaries, or inlets bordering on, flowing into, or in 28  
any manner connected with Lake Erie, wherein fishing with those 29  
devices is permitted when the fish nets, fish traps, or other 30  
devices are kept within one mile of the waters of the Lake Erie 31  
fishing district~~.~~ 32

~~(C) Nets, gill nets, traps~~(3) The net, trap, or other 33  
~~devices device~~ is in the possession of a bona fide manufacturers- 34  
manufacturer or dealers when the nets, gill nets, traps, or 35  
~~other devices are dealer and is kept in the regular places place~~ 36  
of business of ~~those manufacturers that manufacturer or dealers-~~ 37  
dealer, or are in course of transportation, or other devices in- 38  
~~the possession of common carriers for transportation,~~ is being 39  
transported by that manufacturer or dealer. 40

(4) The net, trap, or other device, is in the possession 41  
of a common carrier for purposes of transportation. 42

(B) Except as otherwise provided in division (C) of this 43  
section, no person shall negligently possess a gill net. 44

(C) A person may possess a gill net if all of the 45  
following apply: 46

(1) The person obtains a license and serial numbered tag 47

issued by the chief of the division of wildlife under division 48  
(D) of this section. 49

(2) The person attaches the tag to the lead of the gill 50  
net within twenty-four inches of the gill net. 51

(3) One of the following applies to the person: 52

(a) The person is a bona fide manufacturer or dealer and 53  
the gill net is kept in the regular place of business of that 54  
manufacturer or dealer or is being transported by that 55  
manufacturer or dealer. 56

(b) The person is a common carrier in possession of the 57  
gill net for purposes of transportation. 58

~~(D) Gill nets in the possession of a~~ (c) ~~The person who~~ 59  
possessing the gill net holds a currently valid wild animal 60  
collecting permit issued to~~him~~ the person ~~by the chief of the~~ 61  
~~division of wildlife~~ under section 1533.08 of the Revised Code 62  
and ~~who~~ is taking fish with a gill net in accordance with the 63  
permit. 64

(d) The person possessing the gill net holds a valid 65  
aquaculture permit issued to the person by the chief under 66  
section 1533.632 of the Revised Code and is taking fish with a 67  
gill net in accordance with the permit. 68

(D) (1) The chief shall issue licenses and serial numbered 69  
tags for the purpose of division (C) of this section. 70

(2) The chief may suspend or revoke a license issued under 71  
this division if the chief finds that the licensee is in 72  
violation of any provision of this chapter, Chapter 1531. of the 73  
Revised Code, or division rules. 74

(E) The chief shall adopt rules under section 1531.10 of 75

the Revised Code establishing all of the following: 76

(1) Procedures and requirements governing application for, 77  
issuance of, and renewal of licenses and serial numbered tags 78  
for gill nets under this section; 79

(2) Procedures governing suspension and revocation of 80  
licenses issued under this section; 81

(3) Any other procedures and requirements necessary to 82  
administer and enforce this section. 83

(F) No person shall negligently fail to comply with rules 84  
adopted under this section. 85

**Sec. 1533.99.** (A) Whoever violates section 1533.17 of the 86  
Revised Code is guilty of a misdemeanor of the third degree on a 87  
first offense and a misdemeanor of the second degree on each 88  
subsequent offense. In addition to any other sanction imposed 89  
under this division, on a second or subsequent offense occurring 90  
within a period of three consecutive years after the date of 91  
conviction of the immediately preceding violation of that 92  
section any firearms or other hunting implements in the 93  
possession or under the control of the offender at the time of 94  
the violation are subject to seizure in accordance with section 95  
1531.20 of the Revised Code. If the offender persists in the 96  
offense after reasonable warning or request to desist, the 97  
offender is guilty of a misdemeanor of the second degree. 98

(B) Whoever violates section 1533.161, 1533.23, 1533.24, 99  
1533.301, 1533.40, 1533.41, 1533.45, 1533.48, 1533.511, 1533.55, 100  
1533.56, 1533.58, 1533.61, 1533.62, 1533.631, 1533.66, 1533.71, 101  
1533.72, 1533.73, 1533.74, 1533.76, 1533.77, or 1533.79, 102  
division (J) of section 1533.731, or division (B) or (C) of 103  
section 1533.97 of the Revised Code is guilty of a misdemeanor 104

of the third degree. 105

(C) Whoever violates division (B) of section 1533.03, 106  
section 1533.07, 1533.171, 1533.34, 1533.341, 1533.342, 1533.35, 107  
1533.42, 1533.51, 1533.63, 1533.64, 1533.67, 1533.68, 1533.721, 108  
1533.881, or 1533.882, division (B)(2) or (3) of section 109  
1533.731, or division (A) of section 1533.97 of the Revised Code 110  
is guilty of a misdemeanor of the first degree. 111

(D) Whoever violates division (D) of section 1533.97 of 112  
the Revised Code is guilty of a misdemeanor of the fourth 113  
degree. The court shall require any person who is convicted of 114  
or pleads guilty to the offense to refund to all participants in 115  
the fishing tournament operated by the person any entry fees 116  
paid by the participants. 117

(E) Whoever violates division (C) or (D) of section 118  
1533.632 of the Revised Code is guilty of a felony of the fifth 119  
degree. 120

(F) Whoever violates any section of this chapter for which 121  
no penalty is otherwise provided is guilty of a misdemeanor of 122  
the fourth degree. 123

(G) A court that imposes sentence for a violation of any 124  
section of this chapter governing the holding, taking, or 125  
possession of wild animals may require the person who is 126  
convicted of or pleads guilty to the offense, in addition to any 127  
fine, term of imprisonment, seizure, and forfeiture imposed, to 128  
make restitution for the minimum value of the wild animal or 129  
animals illegally held, taken, or possessed as established under 130  
section 1531.201 of the Revised Code. An officer who collects 131  
moneys paid as restitution under this section shall pay those 132  
moneys to the treasurer of state who shall deposit them in the 133

state treasury to the credit of the wildlife fund established	134
under section 1531.17 of the Revised Code.	135
<b>Section 2.</b> That existing sections 1533.61 and 1533.99 of	136
the Revised Code are hereby repealed.	137