

As Passed by the Senate

134th General Assembly

Regular Session

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S. B. No. 28

Senator Hoagland

**Cosponsors: Senators Wilson, Schaffer, Huffman, S., Blessing, Brenner, Cirino,
O'Brien, Roegner**

A BILL

To amend section 1533.05 of the Revised Code to 1
authorize the use of owls in the sport of 2
falconry. 3

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

Section 1. That section 1533.05 of the Revised Code be 4
amended to read as follows: 5

Sec. 1533.05. (A) As used in this section and section 6
1533.051 of the Revised Code, "raptor" means a live migratory 7
bird of the family Falconidae, of the family Strigidae, or of 8
the family Accipitridae other than a bald eagle (*Haliaeetus* 9
leucocephalus). 10

(B) The chief of the division of wildlife may authorize 11
the taking, possession, and transportation of raptors for use in 12
the sport of falconry by rules adopted pursuant to section 13
1531.08 of the Revised Code. The rules shall be consistent with 14
federal regulations governing raptors and may authorize the 15
taking of game by the use of raptors, including taking with a 16
trained raptor and a dog. 17

The chief, by rules adopted pursuant to section 1531.08 of the Revised Code, may do all of the following:

(1) Notwithstanding any other rule governing the taking of quail, authorize a person engaged in the sport of falconry to permit the person's raptor to take quail;

(2) Authorize special falconry seasons;

(3) Authorize a person engaged in the sport of falconry to possess and to permit the person's raptor to take European starlings, English sparrows, and common pigeons, other than homing pigeons, at any time.

(C) No person shall take, possess, or transport a raptor for use in the sport of falconry or shall practice falconry without a permit to do so issued by the chief. The duration of the permit shall be consistent with applicable federal requirements. The chief may require a separate permit for the taking of raptors.

The fees for permits shall be set by the chief in amounts sufficient to cover the expenses of the division of wildlife in exercising its authority under this section and may vary according to class and type of permit. Moneys received from the sale of permits shall be paid into the state treasury to the credit of the fund established in section 1533.15 of the Revised Code.

An applicant for a permit shall present a valid hunting license issued to the applicant for the current license year under section 1533.13 of the Revised Code and shall maintain a valid and current hunting license thereafter while taking or attempting to take game or raptors to be used for falconry purposes. A permit issued under this section is not

transferable. No person shall carry a permit issued in the name 47
of another person. 48

(D) Every person, while engaged in falconry on the lands 49
of another, shall carry the permit issued to the person under 50
this section together with a valid hunting license issued to the 51
person for the current license year under section 1533.13 of the 52
Revised Code and shall exhibit the permit and license to any law 53
enforcement officer requesting to see them. 54

(E) Notwithstanding any other provision of this section, 55
of any rule adopted by the chief governing falconry, or of any 56
federal regulation governing raptors, no person shall take or 57
disturb for the purpose of falconry the nest of a wild raptor or 58
any young raptor in the wild that is not yet capable of flight 59
except in such situations, and under the direct supervision of a 60
wildlife officer, where the nest otherwise would be destroyed or 61
the raptor would not survive. 62

Section 2. That existing section 1533.05 of the Revised 63
Code is hereby repealed. 64