



General Assembly

January Session, 2001

Amendment

LCO No. 8584

Offered by:

REP. BERNHARD, 136th Dist.

To: Subst. Senate Bill No. 1058

File No. 226

Cal. No. 596

"AN ACT CONCERNING COURT OPERATIONS."

1 In line 272, strike "or"

2 In line 273, after "section 29-33" insert the following "; or (11) is
3 charged with a violation of section 26-72 and prosecution has been
4 suspended pursuant to subsection (b) of section 26-72"

5 After line 451, insert the following:

6 "Sec. 17. Section 26-72 of the general statutes is repealed and the
7 following is substituted in lieu thereof:

8 (a) The commissioner may, after notice and public hearing
9 conducted in the manner prescribed by section 26-67, issue regulations
10 governing and prescribing the taking of all species of fur-bearing
11 animals by use of traps within the state. Such regulations may (1)
12 establish the open and closed seasons, (2) establish the legal hours, (3)
13 prescribe the legal methods that may be used, including size, type and
14 kind of traps and the type and kind of bait and lures, (4) designate the

15 places where traps may be placed and set and the conditions under
16 which the placing and setting of traps will be legal, (5) establish the
17 daily bag limit and the season bag limit, (6) assess a reasonable fee, or
18 develop a comparable equitable plan, for season trapping rights on
19 state-owned property. Assignment of such rights for specific areas may
20 be determined by drawing or by the order in which requests therefor
21 are recorded as received in the office of the commissioner when there
22 is a set fee for such areas, or the method of high bid may be used. No
23 person shall set, place or attend any trap upon the land of another
24 without having in [his] said person's possession the written permission
25 of the owner or lessee of such land, or [his] such owner's or lessee's
26 agent, and no person shall set, place or attend any trap not having the
27 name of the person using such trap legibly stamped thereon or
28 attached thereto; provided the owner or legal occupant of such land or
29 such person as [he] the legal owner or occupant designates may set,
30 place or attend any legal steel trap in any place within a radius of one
31 hundred feet of any permanent building located on such land. No
32 person who sets, places or attends any trap shall permit more than
33 twenty-four hours to elapse between visits to such trap; provided, if
34 such twenty-four-hour period expires before sunset, the person who
35 set such trap shall have until sunset to visit the same. No person shall
36 place, set or attend any snare, net or similar device capable of taking or
37 injuring any animal. The pelt of any fur-bearing animal legally taken
38 may be possessed, sold or transported at any time. Upon demand of
39 any officer having authority to serve criminal process or any
40 representative of the Department of Environmental Protection, any
41 person in possession of any such pelt shall furnish to such officer or
42 such representative satisfactory evidence that such pelt was legally
43 taken or acquired. No provision hereof shall be construed as
44 prohibiting any landowner or lessee of land used for agricultural
45 purposes or any citizen of the United States, or any person having on
46 file in the court having jurisdiction thereof a written declaration of
47 [his] said person's intention to become a citizen of the United States,
48 who is regularly employed by such landowner or lessee, from
49 pursuing, trapping and killing at any time any fur-bearing animal,

50 except deer, which is injuring any property, or the owner of any farm
51 or enclosure used for breeding or raising any legally acquired fur-
52 bearing animal who has a game breeder's license issued by the
53 commissioner or a fur breeder's license issued by the Livestock
54 Division of the Department of Agriculture, from taking or killing any
55 such animal legally in [his] such person's possession at any time or
56 having in possession any pelt thereof. No person shall molest, injure or
57 disturb any muskrat house or den at any time. Any fur-bearing animal
58 legally taken alive may be possessed by the person taking the same,
59 provided [he] said person shall notify the commissioner in a writing
60 signed by [him] said person stating the species and sex of such animal,
61 the date and the name of the town where such animal was taken and
62 the specific address where such animal will be kept. Any
63 representative of the department may at any time inspect such animal
64 and the enclosure or other facilities used to hold such animal and make
65 inquiry concerning the diet and other care such animal should have
66 and if, in the opinion of the commissioner or such representative, such
67 animal is not being provided adequate or proper facilities or care, such
68 animal may be seized by such representative of the department and be
69 disposed of as determined by the commissioner. Fur-bearing animals
70 taken alive, as herein provided, shall not be sold or exchanged,
71 provided the person who legally possesses such animal may apply to
72 the commissioner for a game breeder's license or to the Livestock
73 Division of the Department of Agriculture for a fur breeder's license
74 and when so licensed [he] such person may breed such animal and the
75 progeny thereof, and such issue when three generations removed from
76 the wild may be sold or exchanged alive or dead. Any trap illegally set
77 and any snare, net or similar device found placed or set in violation of
78 the provisions of this section shall be seized by any representative of
79 the department and, if not claimed within twenty-four hours, the
80 commissioner may order such trap, snare, net or other device
81 destroyed, sold or retained for use by the commissioner. Any person
82 who violates any provision of this section or any regulation issued by
83 the commissioner shall be fined not more than two hundred dollars or
84 be imprisoned not more than sixty days or both. Whenever any person

85 is convicted, or forfeits any bond, or has [his] said person's case nolle
86 upon the payment of any sum of money, or receives a suspended
87 sentence or judgment for a violation of any of the provisions of this
88 section or any regulation issued hereunder by the commissioner, all
89 traps used, set or placed in violation of any such provisions or any
90 such regulation may, by order of the trial court, be forfeited to the state
91 and may be retained for use by the department or may be sold or
92 destroyed at the discretion of the commissioner. The proceeds from
93 any such sale shall be paid to the State Treasurer and [by him] credited
94 to the General Fund.

95 (b) If the court finds that a violation of this section is not of a serious
96 nature and that the person charged with such violation (1) will
97 probably not offend in the future, (2) has not previously been
98 convicted of a violation of this section, and (3) has not previously had a
99 prosecution under this section suspended pursuant to this subsection,
100 it may order suspension of prosecution. The court shall not order
101 suspension of prosecution unless the accused person has
102 acknowledged that said person understands the consequences of the
103 suspension of prosecution. Any person for whom prosecution is
104 suspended shall agree to the tolling of any statute of limitations with
105 respect to such violation and to a waiver of said person's right to a
106 speedy trial. Such person shall appear in court and shall be released to
107 the custody of the Office of Adult Probation for such period, not
108 exceeding one year, and under such conditions as the court shall order.
109 If the person refuses to accept, or, having accepted, violates such
110 conditions, the court shall terminate the suspension of prosecution and
111 the case shall be brought to trial. If such person satisfactorily completes
112 the period of probation, said person may apply for dismissal of the
113 charges against said person and the court, on finding such satisfactory
114 completion, shall dismiss such charges. If the person does not apply
115 for dismissal of the charges against said person after satisfactorily
116 completing said person's period of probation, the court, upon receipt
117 of a report submitted by the Office of Adult Probation that the person
118 satisfactorily completed said person's period of probation, may on its

119 own motion make a finding of such satisfactory completion and
120 dismiss such charges. Upon dismissal, all records of such charges shall
121 be erased pursuant to section 54-142a. An order of the court denying a
122 motion to dismiss the charges against a person who has completed
123 said person's period of probation or terminating the participation of a
124 defendant in such program shall be a final judgment for purposes of
125 appeal.

126 Sec. 18. (NEW) No person shall use, sell or manufacture any leghold
127 or padded leghold trap in the state."