



House of Representatives

General Assembly

File No. 334

January Session, 2003

House Bill No. 6394

House of Representatives, April 14, 2003

The Committee on Environment reported through REP. WIDLITZ of the 98th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE ENDANGERED SPECIES PROGRAMS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 26-93 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 Any person who disturbs, [molests, harasses,] hunts, takes, kills or
4 attempts to kill any bald eagle or disturbs any active bald eagle nest
5 shall be fined not more than one [hundred] thousand dollars or
6 imprisoned not more than thirty days or both. Any person who enters
7 a posted no access area for a bald eagle or a posted no access area for
8 an active bald eagle nest shall be fined not more than one thousand
9 dollars or imprisoned not more than thirty days, or both.

10 Sec. 2. Section 26-40a of the general statutes is repealed and the
11 following is substituted in lieu thereof (*Effective October 1, 2003*):

12 For the purposes of this section, the following wildlife or any hybrid

13 thereof, shall be considered as potentially dangerous animals: The
14 felidae, including, but not limited to, the lion, leopard, cheetah, jaguar,
15 ocelot, jaguarundi cat, puma, lynx and bobcat; the canidae, including,
16 but not limited to, the wolf and coyote; and the ursidae, including, but
17 not limited to, the black bear, grizzly bear and brown bear. No person
18 shall possess a potentially dangerous animal. Any such animal
19 illegally possessed may be ordered seized and may be disposed of as
20 determined by the Commissioner of Environmental Protection. All
21 costs associated with the confiscation, care and maintenance of the
22 potentially dangerous animal until such time as the animal is disposed
23 of or is permanently relocated to a proper facility shall be the
24 responsibility of the owner or the person in illegal possession of the
25 animal. Any person who violates any provision of this section shall be
26 [fined not more than one hundred dollars for each offense] assessed a
27 civil penalty not to exceed one thousand dollars, to be fixed by the
28 court, for each offense. Each violation shall be a separate and distinct
29 offense and in the case of a continuing violation, each day's
30 continuance thereof shall be deemed to be a separate and distinct
31 offense. The Commissioner of Environmental Protection may request
32 the Attorney General to institute an action in superior court to recover
33 such penalty and any cost associated with the confiscation, care and
34 maintenance of any such animal. The provisions of this section shall
35 not apply to municipal parks, zoos and nature centers, or museums,
36 laboratories and research facilities maintained by scientific or
37 educational institutions; to a person possessing a Bengal cat certified
38 by an internationally recognized multiple-cat domestic feline breeding
39 association as being without wild parentage for a minimum of four
40 prior generations which cat was registered with the Commissioner of
41 Agriculture on or before October 1, 1996, provided no such cat may be
42 imported into this state after June 6, 1996; or to persons possessing
43 animals legally on or before May 23, 1983. In any action taken by any
44 official of the state or any municipality to control rabies, a Bengal cat
45 shall be considered not vaccinated for rabies in accordance with
46 accepted veterinary practice.

47 Sec. 3. Section 26-55 of the general statutes is repealed and the

48 following is substituted in lieu thereof (*Effective October 1, 2003*):

49 No person shall import or introduce into the state, or possess or
50 liberate therein, any live fish, wild bird, wild [quadruped] mammal,
51 reptile, [or] amphibian or invertebrate unless such person has obtained
52 a permit therefor from the commissioner. Such permit may be issued at
53 the discretion of the commissioner under such regulations as [he] the
54 commissioner may prescribe. The commissioner may by regulation
55 prescribe the numbers of live fish, wild birds, wild [quadrupeds]
56 mammals, reptiles, [and] amphibians or invertebrates of certain species
57 which may be imported, possessed, introduced into the state or
58 liberated therein. The commissioner may by regulation exempt certain
59 species or groups of live fish from the permit requirements. [He] The
60 commissioner may by regulation determine which species of wild
61 birds, wild [quadrupeds] mammals, reptiles, [and] amphibians or
62 invertebrates must meet permit requirements. [He] The commissioner
63 may totally prohibit the importation, possession, introduction into the
64 state or liberation therein of certain species which [he] the
65 commissioner has determined may be a potential threat to humans,
66 agricultural crops or established species of plants, fish, birds,
67 [quadrupeds] mammals, reptiles, [or] amphibians or invertebrates. The
68 commissioner may by regulation exempt from permit requirements
69 organizations or institutions such as zoos, research laboratories,
70 colleges or universities, public nonprofit aquaria or nature centers
71 where live fish, wild birds, wild [quadrupeds] mammals, reptiles,
72 [and] amphibians or invertebrates are held in strict confinement. Any
73 such fish, bird, [quadruped] mammal, reptile, [or] amphibian or
74 invertebrate illegally imported into the state or illegally possessed
75 therein shall be seized by any representative of the Department of
76 Environmental Protection and shall be disposed of as determined by
77 the commissioner. Any person, except as provided in section 26-55a,
78 who violates any provision of this section or any regulation issued by
79 the commissioner as herein provided shall be guilty of an infraction.
80 Importation, liberation or possession of each fish, wild bird, wild
81 [quadruped] mammal, reptile, [or] amphibian or invertebrate in
82 violation of this section or such regulation shall be a separate and

83 distinct offense and, in the case of a continuing violation each day of
84 continuance thereof shall be deemed to be a separate and distinct
85 offense.

86 Sec. 4. Section 26-57 of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective October 1, 2003*):

88 No person shall transport within the state or transport out of the
89 state any fish, bird, [quadruped] mammal, reptile, [or] amphibian or
90 invertebrate for which a closed season is provided without a permit
91 from the commissioner, except as provided herein. The commissioner
92 may issue a permit to any person to transport within the state or to
93 transport out of the state any fish, bird, [quadruped] mammal, reptile,
94 [or] amphibian or invertebrate protected under the provisions of this
95 chapter under such regulations as [he] the commissioner may
96 prescribe. No fish, bird, [quadruped] mammal, reptile, [or] amphibian
97 or invertebrate shall be transported out of the state unless each unit,
98 package or container is conspicuously tagged or labeled, and such tag
99 or label contains in legible writing the full name and address of the
100 person legally authorized to transport out of the state such fish, bird,
101 [quadruped] mammal, reptile, [or] amphibian or invertebrate. Any
102 such fish, bird, [quadruped] mammal, reptile, [or] amphibian or
103 invertebrate received by any person or by any common carrier within
104 the state, addressed for shipment to any point without the state and
105 not having such tag or label conspicuously attached shall be prima
106 facie evidence of a violation of the provisions of this section. A permit
107 shall not be required to transport within the state or to transport out of
108 the state any fish, bird, [quadruped] mammal, reptile, [or] amphibian
109 or invertebrate which has been legally taken, bred, propagated or
110 possessed by a person to whom a license, registration or permit has
111 been issued under the provisions of this chapter authorizing the
112 taking, breeding, propagating or possessing of fish, birds,
113 [quadrupeds] mammals, reptiles, [or] amphibians or invertebrates, and
114 no permit shall be required to transport within the state or to transport
115 out of the state any fish, bird, [quadruped] mammal, reptile, [or]
116 amphibian or invertebrate that has been legally taken or acquired by a

117 person exempt from license requirements under the provisions of this
118 chapter. Any person who violates any provision of this section shall be
119 fined not less than ten dollars nor more than two hundred dollars or
120 imprisoned not more than sixty days or be both fined and imprisoned.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>

ENV *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Department of Environmental Protection	GF - Savings	Minimal	Minimal
Attorney General, Department of Corrections	GF - Revenue Gain GF - None	Minimal None	Minimal None

Note: GF=General Fund

Municipal Impact: None

Explanation:

Requiring that the cost of care, confiscation, and maintenance of potentially dangerous animals be the responsibility of the owner or person in possession of the animal instead of the state or facility could result in a savings to the state. The Department of Environmental Protection (DEP) is not incurring significant costs at this time, however, each case can cost thousands of dollars. There have been very few cases. Providing that the DEP does not pay the costs could result in additional cases, but the overall number of cases is anticipated to be minimal.

The bill increases certain fines and expands existing prohibitions related to endangered species. The potential revenue gain from infractions and civil penalties is expected to be minimal. It is anticipated that no one would be incarcerated under the bill. The Attorney General’s office would be able to handle cases referred to it under the bill without the need for additional appropriations.

OLR Bill Analysis

HB 6394

***AN ACT CONCERNING THE ENDANGERED SPECIES PROGRAMS
OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION*****SUMMARY:**

This bill increases, from \$100 to \$1,000, the fine for disturbing, hunting, taking, killing, or attempting to kill a bald eagle. As under current law, it is also punishable by up to 30 days in prison. It prohibits people from disturbing an active bald eagle nest, and from entering a posted no access area for either a bald eagle, or an active bald eagle nest. Violators are subject to a fine of up to \$1,000 and up to 30 days in prison.

By law, certain wild animals are potentially dangerous and it is illegal for people to own them (see BACKGROUND). The bill makes hybrids of such wild animals also potentially dangerous animals. The bill makes the owner, or the person in illegal possession, of such a potentially dangerous animal responsible for the costs associated with the animal's confiscation, care, and maintenance until the animal is either disposed of or placed in a proper facility. It increases the penalty for illegal possession of such animals from \$100 to a maximum of \$1,000 per offense, and makes each violation and each day of illegal possession a separate offense. It authorizes the environmental protection commissioner to ask the attorney general to sue in Superior Court to recover the fine and any costs associated with the animal's confiscation, care, and maintenance.

By law, no person can import or introduce into the state, possess, or liberate in the state any live fish, wild bird, wild quadruped (four-legged animal), reptile, or amphibian without a permit from the commissioner. The bill expands the law to include invertebrates (animals without backbones) and all mammals, thereby including such animals as bats and primates (monkeys, apes, and lemurs). Current law authorizes the commissioner to (1) prescribe the number of these animals that may be imported, possessed, introduced, or liberated; (2) exempt certain species from permit requirements; (3) prohibit the importation, introduction, possession, or liberation of species he

determines to be a potential threat to people, crops, or established species of plants and animals; (4) exempt certain institutions, such as zoos, from permit requirements; and (5) seize and dispose of illegally imported or illegally possessed animals. Each violation of the law is an infraction.

Current law also prohibits the transport within the state or from the state of fish, birds, quadrupeds, reptiles, and amphibians for which a closed season exists without a permit from the commissioner. The bill expands the law to include invertebrates and all mammals, thereby including such animals as bats and primates. Current law requires that any of these animals transported out of state be conspicuously tagged and labeled with the full name and address of the person authorized to transport such animal. Failure to attach such a tag is prima facie evidence of a violation of the law. It exempts from these permit requirements the transport of an animal (1) legally taken; (2) bred, propagated, or possessed by a person licensed or otherwise authorized to do so; (3) or exempt from licensing requirements. Violators are subjects to fines of between \$10 and \$200 and up to 60 days in prison.

EFFECTIVE DATE: October 1, 2003

BACKGROUND

Potentially Dangerous Animals

By law, potentially dangerous animals include, but are not limited to, wild cats, such as lions, leopards, cheetahs, jaguars, ocelots, jaguarundis (central American wildcats), pumas, lynxes, and bobcats; wild dogs, such as wolves and coyotes; and black, brown and grizzly bears.

Infractions

Infractions are punishable by fines, usually set by a Superior Court judge, plus additional fees and surcharges. An infraction is not a crime. Violators do not have criminal records and can pay the fine by mail without making a court appearance.

COMMITTEE ACTION

Environment Committee

Joint Favorable Report
Yea 25 Nay 0