



# House of Representatives

General Assembly

**File No. 426**

*January Session, 2007*

Substitute House Bill No. 7019

*House of Representatives, April 10, 2007*

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE TREATMENT OF ELEPHANTS.***

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

1 Section 1. (NEW) (*Effective October 1, 2007*) (a) As used in this  
2 section:

3 (1) "Circus" means a performance by a live animal, clown or acrobat  
4 pursuant to a class C license issued in accordance with the provisions  
5 of the Animal Welfare Act, 7 USC 2131 et seq., as amended from time  
6 to time;

7 (2) "Person" means an individual, sole proprietorship, trust,  
8 corporation, limited liability company, union, association, firm,  
9 partnership, committee, club or other organization or group; and

10 (3) "Traveling show" means a circus, public show, trade show,  
11 photographic opportunity, carnival, city or county fair, agricultural  
12 fair, ride, parade, race, performance or a similar event at which  
13 elephants do not permanently reside or that moves elephants to

14 different locations. For purposes of this section, a traveling show does  
15 not mean the transportation of elephants for the purpose of obtaining  
16 required medical services for such elephants or for the exchange of  
17 elephants between sanctuaries.

18 (b) A person who houses, possesses, is in contact with or travels  
19 with any elephant kept at a stationary facility or utilized in a circus or  
20 traveling show within the state shall be guilty of harming an elephant  
21 when such person uses any implement or device on an elephant that  
22 may reasonably be expected to result in harm to the elephant,  
23 including, but not limited to, the damage, scarring or breakage of such  
24 elephant's skin. For purposes of this subsection, any implement or  
25 device that is used, purchased, contrived or constructed for the  
26 purpose of shocking, poking, striking, hitting, stabbing, piercing or  
27 pinching the skin of an elephant, including, but not limited to, an  
28 electric prod, a bullhook, and ankus or other similar device, shall be  
29 construed as an implement or device which may reasonably be  
30 expected to result in damage, scarring or breakage of an elephant's  
31 skin.

32 (c) A person who houses, possesses, is in contact with or travels  
33 with any elephant kept at a stationary facility or utilized in a circus or  
34 traveling show within the state shall be guilty of possession of a device  
35 which may be used to harm an elephant when such person possesses a  
36 device that that is used, purchased, contrived or constructed for the  
37 purpose of shocking, poking, striking, hitting, stabbing, piercing or  
38 pinching the skin of an elephant, including, but not limited to, an  
39 electric prod, a bullhook, an ankus or other similar device.

40 (d) Harming an elephant pursuant to subsection (b) of this section  
41 shall be a class A misdemeanor. Each day such violation continues  
42 shall be a separate and distinct offense.

43 (e) Possession of a device which may be used to harm an elephant  
44 pursuant to subsection (c) of this section shall be a class B  
45 misdemeanor.

|   |                        |             |
|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                        |             |
| Section 1   | <i>October 1, 2007</i> | New section |

**ENV**      *Joint Favorable Subst.*

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 chamber thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

| Agency Affected                                       | Fund-Effect       | FY 08 \$          | FY 09 \$          |
|---|-------------------|-------------------|-------------------|
| Department of Agriculture                             | GF - None         | None              | None              |
| Judicial Dept.  | GF - Revenue Gain | Potential Minimal | Potential Minimal |
| Judicial Department (Probation);<br>Correction, Dept. | GF - Cost         | Potential Minimal | Potential Minimal |

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill does not specify who would be the enforcing governmental agency of the elephant regulations. Currently USDA APHIS (Animal and Plant Health Inspection Service) enforces federal law relative to elephants.

Any revenue from criminal fines imposed under the bill or marginal cost for incarceration and/or probation supervision in the community as a result of the bill would be minimal.

**The Out Years**

The annualized cost identified above would continue into the future subject to inflation. Potential revenues would remain constant into the future since they are set in statute.

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**OLR Bill Analysis**

**sHB 7019**

***AN ACT CONCERNING THE TREATMENT OF ELEPHANTS.***

**SUMMARY:**

This bill makes it a class A misdemeanor for certain people to use any implement or device on an elephant that may reasonably be expected to harm it. The bill specifies that:

1. harm includes damaging, scarring, or breaking an elephant's skin;
2. any implement or device that is used, purchased, contrived, or constructed to shock, poke, strike, hit, or stab an elephant or pinch or pierce its skin is an implement or device that reasonably may be expected to result in damaging, scarring, or breaking an elephant's skin; and
3. these implements or devices include an electric prod, a bullhook, an ankus, or a similar device.

The bill makes it a class B misdemeanor for certain people to possess such an implement or device.

By law, a class A misdemeanor carries a penalty of up to one year in prison, a fine of up to \$2,000, or both. Under the bill, each day the violation continues the person commits a separate and distinct offense. A class B misdemeanor carries a penalty of up to six months in prison, a fine of up to \$1,000, or both.

The bill only applies to those who house, possess, travel with, or are in contact with an elephant kept at a stationary facility or used in a circus or traveling show in Connecticut.

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**DEFINITIONS**

Under the bill:

1. "circus" means a performance by a live animal, clown, or acrobat under a class C license issued in accordance with the provisions of the federal Animal Welfare Act (7 USC § 2131 et seq);
2. "person" means an individual, sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership, committee, club, or other organization or group; and
3. "traveling show" means a circus, public show, trade show, photographic opportunity, carnival, city or county fair, agricultural fair, ride, parade, race, performance, or a similar event at which elephants do not permanently reside or that moves elephants to different locations.

Under the bill, a traveling show does not mean the transportation of elephants to obtain required medical services for the elephants or for the exchange of elephants between sanctuaries.

**BACKGROUND*****Ankus***

An ankus (which is sometimes referred to as a bullhook) is a tool used to train elephants. It consists of a sharp, pointed hook that is attached to a long handle.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 16 Nay 15 (03/21/2007)