



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing March 9, 2009
Environment Committee

AMENDED Testimony Submitted by Commissioner Gina McCarthy
Department of Environmental Protection

**Raised House Bill No. 6552 - AN ACT BANNING THE SALE OR USE OF
COMPUTER SOFTWARE OR SERVICES TO REMOTELY OPERATE
WEAPONS TO HUNT ANIMALS OR BIRDS**

Thank you for the opportunity to present testimony regarding Raised House Bill Number 6552 - AN ACT BANNING THE SALE OR USE OF COMPUTER SOFTWARE OR SERVICES TO REMOTELY OPERATE WEAPONS TO HUNT ANIMALS OR BIRDS.

In addition to the Department's support of this proposal as written, we also welcome the opportunity to present additional testimony regarding the possession of potentially dangerous animals under the general statute 26-40a and the import and possession of animals under general statute 26-55.

We appreciate the Committee's willingness to address this issue and support the testimony of the Attorney General regarding the provisions of the proposal. The Department strongly supports the need to strengthen current laws regarding the possession of potentially dangerous wild animals and other wild animals that may be a threat to humans, and to significantly strengthen both civil and criminal penalties to deter individuals from violating the law.

The Department recommends that this important legislation be added to Raised Bill No. 6552, An Act Banning the Sale or Use of Computer Software or Services to Remotely Operate Weapons to Hunt Animals or Birds. Attached is proposed legislative language which could be added to this bill to achieve these important goals.

Thank you for the opportunity to present the Department's view on this proposal. If you should require any additional information, please contact Robert LaFrance, Legislative Liaison, at 424-3401.

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2009 GENERAL ASSEMBLY SESSION

TITLE: An Act Concerning the Possession of Potentially Dangerous Animals and the Importation, Possession and Liberation of Wild Animals

SUMMARY: This proposal:

1. adds the following animals to the list of potentially dangerous animals, the possession of which is prohibited: primates, alligators, kangaroos, wolverines, hippotamus, rhinoceros, elephants and various forms of dangerous snakes such as pythons.
2. authorizes the Commissioner to relocate any animal found in the state in violation of this law;
3. limits the zoo exception for possession of such animals to zoos that are accredited by the Association of Zoos and Aquariums or the Zoological Association of America and limits the scientific and educational institutions exception to such facilities that are registered with the United States Department of Agriculture;
4. increases the civil penalty for violating this law from \$1,000 per day to \$2,000 per day and authorizes the court to order equitable and injunctive relief;
5. increases the criminal penalty for violating this law from an infraction to a class A misdemeanor (up to 1 year imprisonment, up to \$2,000 fine);
6. requires any veterinarian who provides or is requested to provide medical treatment for a potentially dangerous animal to notify, within 24 hours, the DEP of the existence of such animal in the state and supply whatever identifying information they may have about the person possessing such animal;
7. establishes a civil penalty for a veterinarian who fails to notify DEP or supply required identifying information of \$1,000 per day;
8. prohibits the issuance of a permit to any person to possess such other animals including lemurs, loris, prairie dogs, certain poisonous spiders and certain poisonous frogs;
9. authorizes the possession of a capuchin monkey as a service primate for a permanent disable person only upon the issuance of a DEP permit provided a medical doctor certifies to the permanent disability of such person, the need for a service primate to perform a

particular life function, provided further that the disabled person certifies that the primate was legally obtained and trained, and provided further that the disabled person submits to the Commissioner certification that the organization providing the primate is a non-profit organization that is in compliance with all applicable federal and state animal welfare laws.

10. authorizes DEP to relocate any animal seized because it violates the permitted species statute and authorizes DEP to bill the owner for the costs of seizure, care and relocation or disposal;

11. establishes a civil penalty of up to \$1,000 per day for violating the permitted animal statute and authorizes the Attorney General to seek a court order collecting such penalty and such other relief as appropriate;

12. establishes a criminal penalty for willful violation of the permitted animal statute of a class C misdemeanor (up to 3 months imprisonment, up to \$500 fine).

TEXT:

Section 1. Section 26-40a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) No person shall possess a potentially dangerous animal identified in this subsection. For the purposes of this section, the following wildlife or any hybrid thereof, shall be considered as potentially dangerous animals:

(1) The felidae, including, but not limited to, the lion, leopard, cheetah, jaguar, ocelot, jaguarundi cat, puma, lynx [and], bobcat, tiger, or serval, caracal, jungle cat, and Savannah cat;

(2) the canidae, including, but not limited to, the wolf [and], coyote, and fox; [and]

(3) the ursidae, including, but not limited to, the black bear, grizzly bear and brown bear;

(4) the hominidae, including but not limited to, the gorilla, , chimpanzee, and orangutan;

(5) the hylobatidae, including but not limited to, the gibbon or "lesser ape";

(6) the cercopithecidae, including but not limited to, the baboon and macaque;

(7) the macropodidae, including but not limited to, the kangaroo and wallaby;

(8) the mustelidae, including but not limited to, the wolverine;

(9) the hyaenidae, including but not limited to, the hyaena;

(10) the elephantidae, including but not limited to,

(11) the elephant; the hippopotamidae including the hippopotamus;

(12) the rhinocerotidae, including but not limited to, the rhinoceros;

(13) the suidae, including but not limited to, the warthog;

(14) the alligatoridae, including but not limited to, the alligator and caiman;

(15) the crocodylidae, including but not limited to, the crocodile;

(16) the gavialidae, including but not limited to, the gavial;

(17) the elapidae, including but not limited to, the cobras, coral snakes, mambas;

(18) the viperidae including but not limited to: copperheads, rattlesnakes, cottonmouths, and all other adders and vipers

(19) the rear-fanged members of the colubridae in the genera lothornis , boiga, thelotornis, thabdophis, enhydris, dispholidus, clelia, rhabdophis, hydrodynastes, philodryas and malpolon;

(20) the Burmese/Indian, African rock, amethystine, and reticulated of the pythonidae;

(21) the green, yellow, and dark spotted anacondas of the boidae;

(22) the helodermatidae, including but not limited to, the Gila monsters and beaded lizards; and

(23) the Nile monitor, water monitor, black-throat monitor, white-throat monitor, crocodile monitor, and komodo dragon of the varanidae. [No person shall possess a potentially dangerous animal.]

(b) Any such animal illegally possessed may be ordered seized and may be relocated or disposed of as determined by the Commissioner of Environmental Protection. The Department of Environmental Protection shall issue a bill to the owner or person in illegal possession of such potentially dangerous animal for all costs of [confiscation] seizure, care, maintenance, [and] relocation [and] or disposal of such animal. [Additionally, a] Any person who violates any provision of subsection (a) of this section shall be assessed a civil penalty not to exceed [one] two thousand dollars, to be fixed by the court, for each offense. Any person who violates any provision of subsection (c) of this section shall be assessed a civil penalty not to exceed one thousand dollars, to be fixed by the court, for each offense. Each violation shall be a separate and distinct offense and in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Commissioner of Environmental Protection may request the Attorney General to institute an action in Superior Court to recover such penalty and any amounts owed pursuant to a bill issued in accordance with this section and for an order providing such equitable and injunctive relief as the court deems appropriate.

(c) Any licensed veterinarian who provides or is requested to provide medical treatment for any potentially dangerous animal as defined in subsection (a) of this section shall, within 24 hours, notify the Department and provide any information the veterinarian may have regarding such individual, including the name, telephone or cell phone number or electronic mail address, town and street address of the owner or the person who is in possession of the potentially dangerous animal.

(d) The provisions of subsection (a) of this section shall not apply to municipal parks, zoos accredited by the Association of Zoos and Aquariums or the Zoological Association of America, public nonprofit aquaria, [and] nature centers, [or] museums, or laboratories and research facilities maintained by scientific or educational institutions registered with the United States Department of Agriculture; to a person possessing a Bengal cat certified by an internationally recognized multiple-cat domestic feline breeding association as being without wild parentage for a minimum of four prior generations which cat was registered with the Commissioner of Agriculture on or before October 1, 1996, provided no such cat may be imported into this state after June 6, 1996 [; or to persons possessing animals legally on or before May 23, 1983]. In any action taken by any official of the state or any municipality to control rabies, a Bengal cat shall be considered not vaccinated for rabies in accordance with accepted veterinary practice.

(e) Any person who willfully violates any provision of subsection (a) shall be guilty of a class A misdemeanor.

Section 2. Section 26-55 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) No person shall import or introduce into the state, or possess or liberate therein, any live fish, wild bird, wild mammal, reptile, amphibian or invertebrate unless such person has obtained a permit therefore from the commissioner [provided nothing in this section shall be construed to require such permit for any primate species that weighs not more than fifty pounds at maturity that was imported or possessed in the state prior to October 1, 2003], except as provided in subsections (b), (c) and (d) of this section. Such permit may be issued at the discretion of the commissioner under such regulations as the commissioner may prescribe. The commissioner may by regulation prescribe the numbers of live fish, wild birds, wild mammals, reptiles, amphibians or invertebrates of certain species which may be imported, possessed, introduced into the state or liberated therein. The commissioner may by regulation exempt certain species or groups of live fish from the permit requirements. The commissioner may by regulation determine which species of wild birds, wild mammals, reptiles, amphibians or invertebrates must meet permit requirements. The commissioner may totally prohibit the importation, possession, introduction into the state or liberation therein of certain species which the commissioner has determined may be a potential threat to humans, agricultural crops or established species of plants, fish, birds mammals, reptiles, amphibians or invertebrates. The commissioner may by regulation exempt from permit requirements organizations or institutions such as municipal parks, zoos, laboratories and research [laboratories] facilities maintained by scientific or educational institutions, museums, [colleges or universities] public nonprofit aquaria or nature centers where live fish, wild birds, wild mammals, reptiles, amphibians or invertebrates are held in strict confinement.

(b) Notwithstanding the provisions in subsection (a) of this section, the importation and possession of the following species is prohibited: (1) any primate in the families, the cheirogaleidae; the lemuridae; the lepitemuridae; the indriidae; the lorisidae; the loris; the daubentoniidae; the galagidae; the galago; the tarsiidae; the callitrichidae; the cebidae; the pitheciidae; the atelidae; (2) the sciuridae including the prairie dog; (3) the viverridae, including, but not limited to, the civet and genet; (4) any venomous species in the family arachnidea, including, but not limited to, the tarantula and scorpion; and, (5) any poisonous species in the family dendrobatidae, including, but not limited to, poison arrow frogs.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, the Commissioner of Environmental Protection may issue a permit to a permanently disabled person with a severe mobility impairment for the possession of a service primate provided: (1) the disabled person submits written certification to the Commissioner from a licensed medical doctor attesting to the person's disability, mobility impairment and the need for a service primate to provide an essential function that cannot be performed by the disabled person; (2) the disabled person certifies that the service primate was legally obtained, is from the genus Cebus and is trained by an accredited organization; and (3) the disabled person submits to the Commissioner certification that the organization

furnishing the service primate to the disabled person is a non-profit organization and is in compliance with all applicable federal and state animal welfare laws.

(d) Any such fish, bird, mammal, reptile, amphibian or invertebrate illegally imported into the state or illegally possessed therein [shall] may be seized by any representative of the Department of Environmental Protection and [shall] may be relocated or disposed of as determined by the commissioner. The Department of Environmental Protection shall issue a bill to the owner or person in illegal possession of such animal for all costs of seizure, care, maintenance, relocation or disposal. [Any person, except as provided in section 26-55a, who violates any provision of this section or any regulation issued by the commissioner as provided in this section shall be guilty of an infraction] Any person, except as provided in section 26-55a, who violates any provision of this section or any regulation issued by the commissioner as provided in this section shall be assessed a civil penalty not to exceed one thousand dollars, to be fixed by the court, for each offense. Each violation shall be a separate and distinct offense and in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Commissioner of Environmental Protection may request the Attorney General to institute an action in superior court to recover such penalty and any amounts owed pursuant to a bill issued in accordance with this section and for an order providing such equitable and injunctive relief as the court deems appropriate.

(e) Any person, except as provided in section 26-55a, who willfully violates any provision of this section or any regulation issued by the commissioner as provided in this section shall be guilty of a class C misdemeanor.

(f) Importation, liberation or possession of each fish, wild bird, wild mammal, reptile, amphibian or invertebrate in violation of this section or such regulation shall be a separate and distinct offense and, in the case of a continuing violation, each day of continuance thereof shall be deemed to be a separate and distinct offense.

