



Senate

General Assembly

File No. 355

January Session, 2009

Senate Bill No. 994

Senate, March 31, 2009

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING LEGHOLD TRAPS.

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

1 Section 1. Section 26-72 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 The commissioner may, after notice and public hearing conducted
4 in the manner prescribed by section 26-67, issue regulations governing
5 and prescribing the taking of all species of fur-bearing animals by use
6 of traps within the state. Such regulations may (1) establish the open
7 and closed seasons, (2) establish the legal hours, (3) prescribe the legal
8 methods that may be used, including size, type and kind of traps and
9 the type and kind of bait and lures, (4) designate the places where
10 traps may be placed and set and the conditions under which the
11 placing and setting of traps will be legal, (5) establish the daily bag
12 limit and the season bag limit, (6) assess a reasonable fee, or develop a
13 comparable equitable plan, for season trapping rights on state-owned
14 property. Assignment of such rights for specific areas may be
15 determined by drawing or by the order in which requests therefor are

16 recorded as received in the office of the commissioner when there is a
17 set fee for such areas, or the method of high bid may be used. No
18 person shall set, place or attend any trap upon the land of another
19 without having in his possession the written permission of the owner
20 or lessee of such land, or his agent, and no person shall set, place or
21 attend any trap not having the name of the person using such trap
22 legibly stamped thereon or attached thereto; provided the owner or
23 legal occupant of such land or such person as he designates may set,
24 place or attend any legal steel trap in any place within a radius of one
25 hundred feet of any permanent building located on such land. No
26 person who sets, places or attends any trap shall permit more than
27 twenty-four hours to elapse between visits to such trap; provided, if
28 such twenty-four-hour period expires before sunset, the person who
29 set such trap shall have until sunset to visit the same. No person shall
30 place, set or attend any body-crushing trap, leghold trap, snare, net or
31 similar device capable of taking, killing or injuring any animal. For
32 purposes of this section, "body-crushing trap" means a device designed
33 to kill an animal with a blow or crushing force to the body and
34 includes, but is not limited to, conibear-style traps and "leghold trap"
35 means a device designed to close on the foot or leg of an animal with
36 sufficient force to hold the animal until the person tending the trap
37 returns. A leghold trap includes, but is not limited to, a steel jawed
38 leghold style trap that is either padded or unpadded. For purposes of
39 this section, cage and box traps, nets, suitcase-type beaver traps and
40 common rat and mouse traps shall not be considered body-crushing
41 traps, leghold traps or snares. The pelt of any fur-bearing animal
42 legally taken may be possessed, sold or transported at any time. Upon
43 demand of any officer having authority to serve criminal process or
44 any representative of the Department of Environmental Protection,
45 any person in possession of any such pelt shall furnish to such officer
46 or such representative satisfactory evidence that such pelt was legally
47 taken or acquired. No provision hereof shall be construed as
48 prohibiting any landowner or lessee of land used for agricultural
49 purposes or any citizen of the United States, or any person having on
50 file in the court having jurisdiction thereof a written declaration of his

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

86 or any regulation issued by the commissioner shall be fined not more
87 than two hundred dollars or be imprisoned not more than sixty days
88 or both. Whenever any person is convicted, or forfeits any bond, or has
89 his case nolleed upon the payment of any sum of money, or receives a
90 suspended sentence or judgment for a violation of any of the
91 provisions of this section or any regulation issued hereunder by the
92 commissioner, all traps used, set or placed in violation of any such
93 provisions or any such regulation may, by order of the trial court, be
94 forfeited to the state and may be retained for use by the department or
95 may be sold or destroyed at the discretion of the commissioner. The
96 proceeds from any such sale shall be paid to the State Treasurer and by
97 him credited to the General Fund.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	26-72

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-Effect	FY 10 \$	FY 11 \$
Department of Agriculture	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The General Fund could experience a minimal revenue gain from fines collected by the Department of Agriculture associated with violations of the bill's provisions.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**SB 994*****AN ACT CONCERNING LEGHOLD TRAPS.*****SUMMARY:**

Current law prohibits anyone from placing, setting, or attending any snare, net, or similar device capable of injuring or taking (defined as killing, capturing, trapping, snaring, hooking, or netting) an animal. This bill specifically prohibits the use of body-crushing or leghold traps, snares, nets, or similar devices capable of killing an animal.

The bill specifies that cage and box traps, nets, suitcase-type beaver traps, and common rat and mouse traps are not considered leghold traps, body-crushing traps, or snares. But current law, which remains unchanged, continues to ban the use of nets capable of taking or injuring animals, and the bill bans the use of nets capable of killing them.

The bill authorizes the Department of Environmental Protection (DEP) commissioner to seize body-crushing and leghold traps and to destroy, sell, or retain them for her own use if no one claims them within 24 hours. A violation of the bill is punishable by a fine of up to \$200 and imprisonment for up to 60 days, or both.

EFFECTIVE DATE: July 1, 2009

DEFINITIONS***Body-crushing Trap***

A body-crushing trap is a device designed to kill an animal with a blow or crushing force to the body, including “conibear”-style traps.

Leghold Trap

A leghold trap is a device designed to close on the foot or leg of an

animal with enough force to hold the animal until the person tending the trap returns. It includes both padded and unpadded steel-jawed leghold style traps.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 22 Nay 8 (03/13/2009)