



General Assembly

**Amendment**

January Session, 2009

LCO No. 6973

\*HB0655206973HDO\*

Offered by:

REP. ROY, 119<sup>th</sup> Dist.

SEN. MEYER, 12<sup>th</sup> Dist.

To: Subst. House Bill No. 6552

File No. 516

Cal. No. 336

**"AN ACT BANNING THE POSSESSION OF POTENTIALLY DANGEROUS ANIMALS AND THE IMPORTATION, POSSESSION AND LIBERATION OF WILD ANIMALS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 26-72 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2009*):

5 (a) The commissioner may, after notice and public hearing  
6 conducted in the manner prescribed by section 26-67, issue regulations  
7 governing and prescribing the taking of all species of fur-bearing  
8 animals by use of traps within the state. Such regulations may (1)  
9 establish the open and closed seasons, (2) establish the legal hours, (3)  
10 prescribe the legal methods that may be used, including size, type and  
11 kind of traps and the type and kind of bait and lures, (4) designate the  
12 places where traps may be placed and set and the conditions under  
13 which the placing and setting of traps will be legal, (5) establish the

14 daily bag limit and the season bag limit, (6) assess a reasonable fee, or  
15 develop a comparable equitable plan, for season trapping rights on  
16 state-owned property. Assignment of such rights for specific areas may  
17 be determined by drawing or by the order in which requests therefor  
18 are recorded as received in the office of the commissioner when there  
19 is a set fee for such areas, or the method of high bid may be used. No  
20 person shall set, place or attend any trap upon the land of another  
21 without having in his possession the written permission of the owner  
22 or lessee of such land, or his agent, and no person shall set, place or  
23 attend any trap not having the name of the person using such trap  
24 legibly stamped thereon or attached thereto; provided the owner or  
25 legal occupant of such land or such person as he designates may set,  
26 place or attend any legal steel trap in any place within a radius of one  
27 hundred feet of any permanent building located on such land. No  
28 person who sets, places or attends any trap shall permit more than  
29 twenty-four hours to elapse between visits to such trap; provided, if  
30 such twenty-four-hour period expires before sunset, the person who  
31 set such trap shall have until sunset to visit the same. No person shall  
32 place, set or attend any body-crushing trap, leghold trap, snare, net or  
33 similar device capable of taking, killing or injuring any animal. For  
34 purposes of this section, "body-crushing trap" means a device designed  
35 to kill an animal with a blow or crushing force to the body and  
36 includes, but is not limited to, conibear-style traps, and "leghold trap"  
37 means a device designed to close on the foot or leg of an animal with  
38 sufficient force to hold the animal until the person tending the trap  
39 returns. A leghold trap includes, but is not limited to, a steel-jawed  
40 leghold style trap that is either padded or unpadded. For purposes of  
41 this section, cage and box traps, nets, suitcase-type beaver traps and  
42 common rat and mouse traps shall not be considered body-crushing  
43 traps, leghold traps or snares. The pelt of any fur-bearing animal  
44 legally taken may be possessed, sold or transported at any time. Upon  
45 demand of any officer having authority to serve criminal process or  
46 any representative of the Department of Environmental Protection,  
47 any person in possession of any such pelt shall furnish to such officer  
48 or such representative satisfactory evidence that such pelt was legally

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

84 seized by any representative of the department and, if not claimed  
85 within twenty-four hours, the commissioner may order such trap,  
86 snare, net or other device destroyed, sold or retained for use by the  
87 commissioner. Any person who violates any provision of this section  
88 or any regulation issued by the commissioner shall be fined not more  
89 than two hundred dollars or be imprisoned not more than sixty days  
90 or both. Whenever any person is convicted, or forfeits any bond, or has  
91 his case nolledd upon the payment of any sum of money, or receives a  
92 suspended sentence or judgment for a violation of any of the  
93 provisions of this section or any regulation issued hereunder by the  
94 commissioner, all traps used, set or placed in violation of any such  
95 provisions or any such regulation may, by order of the trial court, be  
96 forfeited to the state and may be retained for use by the department or  
97 may be sold or destroyed at the discretion of the commissioner. The  
98 proceeds from any such sale shall be paid to the State Treasurer and by  
99 him credited to the General Fund.

100 (b) The provisions of subsection (a) of this section shall not apply to:

101 (1) The use of leghold traps for the taking of wildlife by a federal,  
102 state or municipal government employee or such employee's duly  
103 authorized agent to protect humans or domesticated animals from  
104 demonstrated risks to their health or safety, provided such employee  
105 or duly authorized agent: (A) Notifies the commissioner of the location  
106 of such trap not later than fifteen calendar days after setting such trap,  
107 and (B) notifies the commissioner, in writing, of all animals caught in  
108 such trap and the disposition of such animals not later than thirty days  
109 after the capture of such animals,

110 (2) The use of leghold traps for the taking of coyotes to protect  
111 humans or domesticated animals from demonstrated risks to their  
112 health or safety, provided nonlethal deterrents or the shooting of such  
113 coyotes are not viable options, as determined by the commissioner. A  
114 leghold trap used to take a coyote pursuant to this subdivision shall:  
115 (A) Be set by a Department of Environmental Protection employee or  
116 by a trapper licensed pursuant to this chapter and authorized by the

117 commissioner to trap such coyotes, and (B) be checked by such  
118 employee or by such authorized trapper not later than every twelve-  
119 hour period after the setting of such trap. Such authorized trapper  
120 shall notify the commissioner of the location of such trap not later than  
121 fifteen calendar days after setting such trap and shall notify the  
122 commissioner, in writing, of all animals caught in such trap and the  
123 disposition of such animals not later than thirty days after the capture  
124 of such animals,

125 (3) The use of body-crushing or leghold traps for the taking of  
126 beaver or muskrats demonstrated to be causing damage to property,  
127 provided nonlethal management of such beaver or muskrats is not a  
128 viable option, as determined by the commissioner. A leghold trap used  
129 to take beaver or muskrats pursuant to this subdivision shall: (A) Be  
130 set by a Department of Environmental Protection employee or by a  
131 trapper licensed pursuant to this chapter and authorized by the  
132 commissioner to trap such beaver or muskrats, (B) be checked by such  
133 employee or by such authorized trapper not later than every twenty-  
134 four-hour period after the setting of such trap, and (C) be used for not  
135 longer than thirty days. Such authorized trapper shall notify the  
136 commissioner of the location of such trap not later than fifteen  
137 calendar days after setting such trap and shall notify the  
138 commissioner, in writing, of all animals caught in such trap and the  
139 disposition of such animals not later than thirty days after the capture  
140 of such animals, or

141 (4) The use of a leghold trap by a landowner or lessee of land used  
142 for agricultural purposes, or by such landowner or lessee's authorized  
143 agent, to control any fur-bearing animal that is injuring any property  
144 or other animal located on such land used for agricultural purposes."