



# House of Representatives

General Assembly

**File No. 34**

January Session, 2013

Substitute House Bill No. 5566

*House of Representatives, March 18, 2013*

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE TRAPPING OF NONTARGET ANIMALS  
AND THE RESTRICTION OF THE PLACEMENT OF 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 Section 26-72 of the general statutes is repealed and the  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 October 1, 2013*):

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

15 be determined by drawing or by the order in which requests therefor  
16 are recorded as received in the office of the commissioner when there  
17 is a set fee for such areas, or the method of high bid may be used.

18 (b) No person shall set, place or attend any trap upon the land of  
19 another without having in such person's possession the written  
20 permission of the owner or lessee of such land, or such owner's or  
21 lessee's agent, and no person shall set, place or attend any trap not  
22 having the name of the person using such trap legibly stamped  
23 thereon or attached thereto, provided the owner or legal occupant of  
24 such land or such person as such owner or legal occupant designates  
25 may set, place or attend any legal steel trap in any place within a  
26 radius of one hundred feet of any permanent building located on such  
27 land. No person who sets, places or attends any trap shall permit more  
28 than twenty-four hours to elapse between visits to such trap, except  
29 that if such twenty-four-hour period expires before sunset, the person  
30 who set such trap shall have until sunset to visit the trap. Any person  
31 who sets, places or attends any trap shall report each incident of the  
32 trapping of a nontarget animal to the Department of Energy and  
33 Environmental Protection within twenty-four hours. No person shall  
34 place, set or attend any snare, net or similar device capable of taking or  
35 injuring any animal. As used in this subsection, "nontarget animal"  
36 means an animal of a species not intended to be taken.

37 (c) No person shall place any leghold trap on or within one hundred  
38 feet of the real property comprising a public or private elementary or  
39 secondary school, licensed child day care center, as defined in section  
40 19a-77, that is identified as a child day care center by a sign posted in a  
41 conspicuous place, state park, municipal park, municipal playground,  
42 public boat launch, roadside rest area, public picnic area, public  
43 campground, blazed trail or state hiking trail. As used in this  
44 subsection, "leghold trap" means a device designed to close on the foot  
45 or leg of an animal with sufficient force to hold the animal until the  
46 person tending the trap returns, and includes, but is not limited to, a  
47 steel jawed leghold style trap that is either padded or unpadded.  
48 Nothing in this subsection shall prevent any person duly authorized

49 by the Department of Energy and Environmental Protection from  
50 setting a leghold trap within one hundred feet of such areas listed in  
51 this subsection to control nuisance wildlife.

52 (d) The pelt of any fur-bearing animal legally taken may be  
53 possessed, sold or transported at any time. Upon demand of any  
54 officer having authority to serve criminal process or any representative  
55 of the Department of Energy and Environmental Protection, any  
56 person in possession of any such pelt shall furnish to such officer or  
57 such representative satisfactory evidence that such pelt was legally  
58 taken or acquired.

59 (e) No provision of this section shall be construed as prohibiting any  
60 landowner or lessee of land used for agricultural purposes or any  
61 citizen of the United States, or any person having on file in the court  
62 having jurisdiction thereof a written declaration of such person's  
63 intention to become a citizen of the United States, who is regularly  
64 employed by such landowner or lessee, from pursuing, trapping and  
65 killing at any time any fur-bearing animal, except deer, which is  
66 injuring any property, or the owner of any farm or enclosure used for  
67 breeding or raising any legally acquired fur-bearing animal who has a  
68 game breeder's license issued by the commissioner or a fur breeder's  
69 license issued by the Department of Agriculture, from taking or killing  
70 any such animal legally in his or her possession at any time or having  
71 in possession any pelt thereof.

72 (f) No person shall molest, injure or disturb any muskrat house or  
73 den at any time.

74 (g) Any fur-bearing animal legally taken alive may be possessed by  
75 the person taking the animal, provided the person shall notify the  
76 commissioner in a writing signed by the person stating the species and  
77 sex of such animal, the date and the name of the town where such  
78 animal was taken and the specific address where such animal will be  
79 kept. Any representative of the department may at any time inspect  
80 such animal and the enclosure or other facilities used to hold such  
81 animal and make inquiry concerning the diet and other care such

82 animal should have and if, in the opinion of the commissioner or such  
83 representative, such animal is not being provided adequate or proper  
84 facilities or care, such animal may be seized by such representative of  
85 the department and be disposed of as determined by the  
86 commissioner. Fur-bearing animals taken alive, as provided in this  
87 section, shall not be sold or exchanged, provided the person who  
88 legally possesses such animal may apply to the commissioner for a  
89 game breeder's license or to the Department of Agriculture for a fur  
90 breeder's license and when so licensed such person may breed such  
91 animal and the progeny thereof, and such issue when three  
92 generations removed from the wild may be sold or exchanged alive or  
93 dead.

94 (h) Any trap illegally set and any snare, net or similar device found  
95 placed or set in violation of the provisions of this section shall be  
96 seized by any representative of the department and, if not claimed  
97 within twenty-four hours, the commissioner may order such trap,  
98 snare, net or other device destroyed, sold or retained for use by the  
99 commissioner.

100 (i) Any person who violates any provision of this section, or any  
101 regulation issued by the commissioner shall be fined not more than  
102 two hundred dollars or be imprisoned not more than sixty days, or  
103 both.

104 (j) Whenever any person is convicted, or forfeits any bond, or has  
105 such person's case nolledd upon the payment of any sum of money, or  
106 receives a suspended sentence or judgment for a violation of any of the  
107 provisions of this section or any regulation issued hereunder by the  
108 commissioner, all traps used, set or placed in violation of any such  
109 provisions or any such regulation may, by order of the trial court, be  
110 forfeited to the state and may be retained for use by the department or  
111 may be sold or destroyed at the discretion of the commissioner. The  
112 proceeds from any such sale shall be paid to the State Treasurer and  
113 the State Treasurer shall credit such proceeds to the General Fund.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	26-72

**Statement of Legislative Commissioners:**

The title was changed.

**KID**      *Joint Favorable Subst. -LCO*

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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill prohibits anyone from placing a leghold trap on or within one hundred feet of certain areas. As it is not anticipated that many of these traps would be placed in the areas mentioned under the bill, it is not anticipated that any costs would be incurred for enforcement.

In 2012, Department of Energy and Environmental Protection (DEEP) Environmental Conservation (EnCon) officers responded to 97 complaints related to trapping representing approximately 1% of the total 9,727 complaints EnCon officers responded to during that same time period.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****HB 5566*****AN ACT CONCERNING THE TRAPPING OF NON-TARGET ANIMALS AND THE RESTRICTION OF THE PLACEMENT OF LEGHOLD TRAPS.*****SUMMARY:**

This bill prohibits anyone from placing a leghold trap on or within 100 feet of a public or private elementary or secondary school property, licensed child day care center identified with a conspicuously posted sign, state or municipal park, municipal playground, public boat launch, roadside rest area, public picnic area, public campground, blazed trail, or state hiking trail. The bill does not prevent a person authorized by the Department of Energy and Environmental Protection (DEEP) from setting a leghold trap within 100 feet of such areas to control nuisance wildlife.

The bill also requires anyone who sets, places, or attends any trap to report when a nontarget animal is trapped to DEEP within 24 hours. It defines a (1) "leghold trap" as a device, including a padded or unpadded steel jawed leghold style trap, designed to close on an animal's foot or leg with sufficient force to hold the animal until the person tending the trap returns, and (2) "nontarget animal" as an animal of a species not intended to be taken.

EFFECTIVE DATE: October 1, 2013

**BACKGROUND*****Trapping Laws and Regulations***

The law prohibits trapping on private property without the owner's permission and requires trappers to label their traps and check them at least once a day. It also permits the DEEP commissioner to issue regulations governing and prescribing trapping of fur-bearing animals

in Connecticut. Such regulations include trap specifications and trapper licensing and training requirements.

**COMMITTEE ACTION**

Children Committee

Joint Favorable

Yea 8 Nay 4 (02/28/2013)