



Senate

General Assembly

File No. 430

February Session, 2016

Substitute Senate Bill No. 227

Senate, April 4, 2016

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

AN ACT CONCERNING CECIL'S LAW.

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

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this
2 section, "big five African species" means any specimen of any of the
3 following members of the animal kingdom: African elephant
4 (*loxodonta africana*), African lion (*panthera leo*), African leopard
5 (*panthera pardus pardus*), black rhinoceros (*diceros bicornis*) and
6 white rhinoceros (*ceratotherium simum cottoni*), including any part,
7 product or offspring thereof, or the dead body or parts thereof, except
8 fossils, whether or not it is included in a manufactured product or in a
9 food product.

10 (b) No person shall import, possess, sell, offer for sale or transport in
11 this state any big five African species.

12 (c) Any law enforcement officer shall have authority to enforce the
13 provisions of this section and, whenever necessary, to execute any
14 warrant to search for and seize any big five African species imported,

15 possessed, sold, offered for sale or transported in violation of this
16 section.

17 (d) Unless such activity is otherwise prohibited by federal law, the
18 provisions of subsection (b) of this section shall not apply if any of the
19 following conditions exist: (1) Such specimen of a big five African
20 species was located or possessed within the state prior to the effective
21 date of this section and the legal owner of such specimen obtained a
22 certificate of possession from the Commissioner of Energy and
23 Environmental Protection; (2) such specimen of a big five African
24 species is to be part of a temporary or permanent collection of a
25 museum that has a tax exemption from the federal Internal Revenue
26 Service as an educational or scientific institution, provided such
27 specimen is not subsequently sold, offered for sale, traded, bartered or
28 distributed to any other party; or (3) such specimen of a big five
29 African species is distributed directly to a legal beneficiary of a trust or
30 to a legal heir provided: (A) Such specimen was located or possessed
31 by the decedent prior to the effective date of this section, (B) such
32 beneficiary or heir does not subsequently sell, offer for sale, trade,
33 barter or distribute such specimen to any other person, and (C) such
34 beneficiary or heir obtains a certificate of possession from the
35 Commissioner of Energy and Environmental Protection not later than
36 one hundred eighty days after receipt of such specimen.

37 (e) Any specimen of a big five African species and any other
38 property or item used in connection with a violation of the provisions
39 of this section shall be seized and held pending any criminal
40 proceeding pursuant to this section.

41 (f) Any person who violates the provisions of this section shall be
42 guilty of a felony and fined not more than ten thousand dollars and
43 imprisoned not more than two years, or both.

44 (g) Upon conviction of a person for violation of the provisions of
45 this section or upon the entry of a judgment restraining a defendant
46 from importing, possessing, selling, offering for sale or transporting
47 any specimen of a big five African species on the grounds that such

48 activity is or would be a violation of the provisions of this section, any
 49 specimen of a big five African species and any other property or item
 50 that is seized and held pursuant to this section shall be forfeited and,
 51 upon such forfeiture, destroyed.

52 (h) Nothing in this section shall be construed to apply to the
 53 importing, possessing, selling, offering for sale or transporting of ivory
 54 in this state.

55 (i) Nothing in this section shall be construed to apply to the
 56 importing, transporting or possessing of a live big five African species
 57 by any zoological institution or circus.

58 Sec. 2. Subsection (d) of section 26-311 of the general statutes is
 59 repealed and the following is substituted in lieu thereof (*Effective from*
 60 *passage*):

61 (d) Nothing in section 1 of this act or sections 26-303 to 26-312,
 62 inclusive, or any regulations adopted pursuant to said sections shall
 63 prohibit transportation through this state of any endangered or
 64 threatened species in accordance with the terms of any permit issued
 65 under the laws of another state provided the person in possession of
 66 an endangered or threatened species can prove legal possession of the
 67 species.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	26-311(d)

ENV *Joint Favorable Subst.*

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.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Correction, Dept.; Judicial Dpt (Probation)	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill creates a new unclassified felony for possession, sale, or transport of certain species of animals. To the extent that offenders are prosecuted for new offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 227*****AN ACT CONCERNING CECIL'S LAW.*****SUMMARY:**

This bill generally bans importing, possessing, selling or offering for sale, or transporting in Connecticut a specimen (dead or alive) from five types of African animals, which the bill collectively refers to as the “big five African species.” It applies to certain elephants, lions, leopards, and two rhinoceros species.

The bill makes violating the ban a felony, subjecting a violator to a fine of up to \$10,000, up to two years in prison, or both. It allows for seizure of and holding any specimen and any property or item used in connection with the violation. And if there is a conviction or a judgment restraining a person from violating the ban, the bill requires that the specimen, property, or item be forfeited and destroyed.

The bill contains several exemptions, including for a specimen already in the state or that is distributed to a beneficiary or heir as long as the owner or distributee obtains a certificate of possession from the Department of Energy and Environmental Protection (DEEP). It also exempts certain museums and allows for zoological institutions and circuses to import, possess, or transport live animals covered by the bill. The bill does not apply to ivory (see BACKGROUND).

Lastly, the bill specifies that its ban does not prohibit transporting through the state endangered or threatened species subject to the terms of another state’s permit, which existing law allows.

EFFECTIVE DATE: Upon passage

SCOPE OF BAN

Species Covered

The ban applies to any specimen from the following five species:

1. African elephant (*loxodonta Africana*),
2. African lion (*panthera leo*),
3. African leopard (*panthera pardus pardus*),
4. black rhinoceros (*diceros bicornis*), and
5. white rhinoceros (*ceratotherium simum cottoni*).

A specimen includes a part, product, or offspring of the species, whether dead or alive, including part of a manufactured or food product. It excludes fossils.

Exemptions

The bill exempts, so long as federal law does not prohibit it, a specimen that is:

1. located or possessed in Connecticut before the bill is signed into law and its legal owner has a certificate of possession from DEEP;
2. part of a museum collection of an institution with a federal educational or scientific tax exemption, as long as it is not subsequently sold or offered for sale, traded, bartered, distributed to another party;
3. distributed directly to a legal beneficiary of a trust or to a legal heir; or
4. alive and being imported, transported, or possessed by a zoological institution or circus

For a transfer to a legal beneficiary or heir to be exempt, the specimen must be located or possessed by the decedent prior to when the bill is signed into law and the beneficiary or heir must obtain a certificate of

possession from DEEP within 180 days after receiving the specimen. He or she must not subsequently sell or offer the specimen for sale, or trade, barter, or distribute it to someone else.

ENFORCEMENT

The bill allows any law enforcement officer to enforce the bill's provisions, including executing warrants to search for and seize a banned specimen. It requires (1) seizing the specimen and any other property or item used in connection with violating the ban and (2) holding the specimen, property, or item pending any criminal proceeding.

Under the bill, if there is a conviction or an entry of judgment restraining a defendant from violating the ban, any specimen, property, or other item seized and held related to the violation must be forfeited and destroyed.

BACKGROUND

Related International and Federal Law

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international treaty under which governments agree to restrict international trade in certain plants and animals and products derived from them.

CITES provides a framework for countries to follow when adopting legislation to implement the treaty. Trade in protected species must be licensed and there are different levels of protection based on a species' endangered status. Currently, 181 countries, including the United States, are parties to the treaty.

The United States regulates the trade of the species covered by the bill through CITES and laws such as the Endangered Species Act (16 U.S.C. § 1531 et seq.). Specifically, the species requires permits at minimum. The U.S. Fish and Wildlife Service is currently engaged in efforts to amend its regulations to increase commercial trade restrictions on elephant ivory.

Related Bill

sHB 5578, reported favorably by the Environment Committee, generally prohibits purchasing, selling, or offering for sale, or possessing with intent to sell ivory, rhinoceros horn, or products containing them. It exempts certain musical instruments and antiques, transfers to certain beneficiaries or institutions, and activity allowed by federal law or part of law enforcement.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 7 (03/16/2016)