



General Assembly

Amendment

January Session, 2017

LCO No. 7304



Offered by:

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

To: Subst. Senate Bill No. 522

File No. 241

Cal. No. 142

"AN ACT AUTHORIZING BEAR HUNTING IN CONNECTICUT."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2018*) (a) For the purposes of this
4 section:

5 (1) "Bona fide educational or scientific institution" means an
6 institution that establishes through documentation either of the
7 following: (A) An educational or scientific tax exemption, from the
8 federal Internal Revenue Service or such institution's national or state
9 tax authority; or (B) accreditation as an educational or scientific
10 institution, from a qualified national or state authority for the
11 institution's location;

12 (2) "Ivory" means a tooth or tusk from a species of elephant,
13 hippopotamus, walrus, whale, or narwhal, or a piece thereof, including
14 any product that contains or that is advertised as containing ivory;

15 (3) "Rhinoceros horn" means the horn or a piece or derivative
16 thereof, such as powder, of a species of rhinoceros, including any
17 product containing or advertised as containing rhinoceros horn;

18 (4) "Sale" or "sell" means selling, trading, bartering for monetary or
19 nonmonetary consideration, or giving away in conjunction with a
20 commercial transaction; and

21 (5) "Total value" means either the fair market value or the actual
22 price paid for ivory or rhinoceros horn, whichever is greater.

23 (b) Except as provided in subsections (c) and (d) of this section, no
24 person shall purchase, sell, offer for sale or possess with the intent to
25 sell any ivory or rhinoceros horn.

26 (c) The prohibitions in subsection (b) of this section shall not apply
27 to any of the following:

28 (1) Any employee or agent of the federal or state government
29 undertaking a law enforcement activity pursuant to federal or state
30 law or a mandatory duty required by federal law;

31 (2) Any activity expressly authorized by federal law;

32 (3) Ivory that is part of an antique provided:

33 (A) Such ivory was removed from the wild prior to February 26,
34 1976, if such ivory is elephant ivory;

35 (B) Such ivory is a fixed component of a larger manufactured item
36 and is not, in its current form, the primary source of the total value for
37 such item;

38 (C) The total volume of the ivory component is less than twenty per
39 cent;

40 (D) The manufactured item is not made wholly or primarily of
41 ivory;

42 (E) The ivory is not raw, unaltered or minimally changed by
43 carving; and

44 (F) The owner or seller provides historical documentation or a
45 sworn affidavit executed by an expert demonstrating provenance that
46 verifies that the antique is not less than one hundred years old;

47 (4) The noncommercial transfer of ownership of ivory or rhinoceros
48 horn to a legal beneficiary of an estate, trust or other inheritance; or

49 (5) The purchase, sale, offer for sale, or possession with intent to sell
50 of an ivory or rhinoceros horn article by a bona fide educational or
51 scientific institution or a museum.

52 (d) The prohibitions in subsection (b) of this section shall not apply
53 to ivory that is part of a musical instrument that was made prior to
54 February 26, 1976.

55 (e) It shall be presumptive evidence of possession with intent to sell
56 ivory or rhinoceros horn if the ivory or rhinoceros horn is possessed in
57 a retail or wholesale outlet commonly used for the buying or selling of
58 similar items. Such presumption shall not preclude a finding of intent
59 to sell based on any other evidence that may serve to independently
60 establish such intent.

61 (f) Any person who violates any provision of this section or any
62 rule, regulation, or order adopted pursuant to this section shall be
63 guilty of a class B misdemeanor provided: (1) For the first offense,
64 such person shall be fined not less than three thousand dollars or an
65 amount equal to two times the total value of the article involved,
66 whichever is greater, or imprisoned for not more than six months, or
67 both; and (2) for a second or any subsequent violation, such person
68 shall be fined not less than six thousand dollars or an amount equal to
69 three times the total value of the article involved, whichever is greater,
70 or imprisoned not more than one year, or both.

71 (g) Upon conviction or other entry of judgment for a violation of

72 this section, any seized ivory or rhinoceros horn shall be forfeited and,
73 upon forfeiture, either be maintained by the Department of Energy and
74 Environmental Protection for educational or training purposes,
75 donated by the department to a bona fide educational or scientific
76 institution or destroyed.

77 (h) The Commissioner of Energy and Environmental Protection, in
78 consultation with the Attorney General, may adopt regulations, in
79 accordance with chapter 54 of the general statutes, to implement the
80 provisions of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2018	New section