
OLR Bill Analysis

sSB 20

AN ACT PROHIBITING THE IMPORT, SALE AND POSSESSION OF AFRICAN ELEPHANTS, LIONS, LEOPARDS, BLACK RHINOCEROS, WHITE RHINOCEROS AND GIRAFFES.

SUMMARY

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

The bill makes violating the ban a felony, and subjects a violator to a fine of up to \$10,000, up to two years in prison, or both. It requires seizure of and holding the specimen and any property or item used in connection with the violation. 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. The specimen (unless it is alive), property, or item also must be destroyed.

The bill contains several exemptions, including for a specimen that is already legally in the state or 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). The ban also does not apply to fossils and ivory; zoological institutions and circuses; and, under certain conditions, museums and motion picture, television, or digital media production companies.

Lastly, the bill specifies that the 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.

The United States regulates the trade of the species covered by the bill, except the giraffe, through the Convention on International Trade

in Endangered Species of Wild Fauna and Flora (CITES) and laws such as the Endangered Species Act (16 U.S.C. § 1531 et seq.). Specifically, trade of the species requires permits at minimum (see BACKGROUND).

EFFECTIVE DATE: October 1, 2019

SCOPE OF BAN

Species Covered

The ban applies to any specimen of any of the following six species:

1. African elephant (*loxodonta Africana*),
2. African lion (*panthera leo*),
3. African leopard (*panthera pardus pardus*),
4. African giraffe (*giraffa camelopardalis*),
5. Black rhinoceros (*diceros bicornis*), and
6. White rhinoceros (*ceratotherium simum cottoni*).

A specimen generally includes any part, product, or offspring of the species, whether dead or alive, including part of a manufactured or food product (see Exemptions, below).

Exemptions

Fossils and Ivory. The bill does not apply to fossils or ivory.

Individuals and Museums. The bill also exempts, so long as federal law does not prohibit it, a specimen that is:

1. located or possessed in Connecticut before October 1, 2019, and whose legal owner obtains a certificate of possession from DEEP within the 180 days after that date;
2. distributed directly to a legal beneficiary of a trust or to a legal heir and he or she also obtains a certificate of possession from DEEP within 180 days after receiving the specimen; or
3. part of a museum collection of an institution with a federal educational or scientific tax exemption, as long as it is not

subsequently sold, offered for sale, traded, bartered, or distributed to another party.

For a transfer to a legal beneficiary or heir to be exempt, the specimen must be located or possessed by the decedent before October 1, 2019, and the beneficiary or heir may not subsequently sell or offer the specimen for sale, or trade, barter, or distribute it to someone else.

Zoos, Circuses, and Production Companies. The bill allows zoological institutions and circuses to import, transport, or possess live big six African species.

It also allows for the exhibition, purchase, transport, or use of these animals in a motion picture, television, and digital media production. To do so, the involved motion picture, television, or digital media production company must employ or contract with a federally licensed dealer or exhibitor or a federally registered carrier, intermediate handler, or unlicensed exhibitor.

By law, these dealers and exhibitors must meet U.S. Department of Agriculture (USDA) standards for humanely handling, caring for, treating, and transporting animals (7 U.S.C. § 2143). Carriers and intermediate handlers must follow USDA requirements for accepting animals for transport, such as documentation, transport conditions, and delivery notification (9 C.F.R. § 3.136).

ENFORCEMENT

Beginning October 1, 2019, any law enforcement officer may enforce the bill's provisions, including executing warrants to search for and seize a banned specimen.

The bill 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. In the criminal proceeding, the bill allows secondary evidence, such as photographs, to be admissible as evidence to the same extent as the banned specimen.

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. A specimen, unless alive, property, or item must also be destroyed.

BACKGROUND

International Law on Animal Trade

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. CITES currently has 183 members as parties to the treaty, including the United States.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 24 Nay 5 (02/25/2019)