
OLR Bill Analysis

sSB 20 (File 43, as amended by Senate "A")*

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 misdemeanor and subjects a violator to a fine of up to \$2,000, up to one year in prison, or both. It requires the seizure and holding of the specimen, pending any related criminal proceeding. If there is a conviction or a judgment restraining a person from violating the ban, the bill requires forfeiture of the specimen. The specimen (unless it is alive), must also 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; certain zoological institutions and circuses; local, municipal, and regional fairs; and, under certain conditions, state-licensed taxidermists, museums, educational or scientific institutions, 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).

*Senate Amendment "A" does the following:

1. reduces the underlying bill's penalty for violating the ban from a felony to a misdemeanor;
2. additionally exempts (a) fairs and (b) state-licensed taxidermists under certain conditions;
3. eliminates the underlying bill's ban on a subsequent sale, offer, trade, barter, or distribution by a legal beneficiary, heir, museum or educational or scientific institution;
4. limits the evidence that may be seized for violating the ban to include only the specimen and not other related property;
5. requires accreditation for zoological institutions or circuses to be exempt; and
6. makes additional minor changes.

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 as of October 1, 2019, obtains a certificate of possession from DEEP within 180 days after DEEP makes the certificate available;
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, or will become part of, a museum collection or of an educational or scientific institution with a federal tax exemption as such an institution, including use for institutional research purposes.

Production Companies. The bill 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).

Taxidermists. Under the bill, a state-licensed taxidermist is exempt from the ban, for the purpose of conducting taxidermy, as long as the taxidermist (1) receives the big six African species from out-of-state and (2) performs work on the specimen and ships it out-of-state within nine months after receiving it.

Zoos, Circuses, and Fairs. The bill also permits the import, transport, or possession of a live big six African species by (1) zoological institutions accredited by the Zoological Association of America; (2) DCP-approved circuses; and (3) local, municipal, or regional fairs.

ENFORCEMENT

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

The bill requires seizing a specimen that is the basis for a violation of the ban and holding it pending any criminal proceeding. In the criminal proceeding, the bill allows secondary evidence, such as photographs, that are otherwise admissible as evidence, to be admissible 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 seized and held must be forfeited. The specimen, unless alive, must then 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)

Judiciary Committee

Joint Favorable

Yea 31 Nay 5 (04/22/2019)