



Senate

General Assembly

File No. 43

January Session, 2019

Substitute Senate Bill No. 20

Senate, March 12, 2019

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

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

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

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) For purposes of this
2 section, "big six 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*), white
6 rhinoceros (*ceratotherium simum cottoni*) and African giraffe (*giraffa*
7 *camelopardalis*), including any part, product or offspring thereof, or
8 the dead body or parts thereof, except fossils, whether or not it is
9 included in a manufactured product or in a food product.

10 (b) No person shall import, possess, sell, offer for sale or transport in
11 this state any big six 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 six 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 six 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 not later than one hundred eighty days after
24 the effective date of this section; (2) such specimen of a big six African
25 species is to be part of a temporary or permanent collection of a
26 museum that has a tax exemption from the federal Internal Revenue
27 Service as an educational or scientific institution, provided such
28 specimen is not subsequently sold, offered for sale, traded, bartered or
29 distributed to any other party; or (3) such specimen of a big six African
30 species is distributed directly to a legal beneficiary of a trust or to a
31 legal heir provided: (A) Such specimen was located or possessed by
32 the decedent prior to the effective date of this section, (B) such
33 beneficiary or heir does not subsequently sell, offer for sale, trade,
34 barter or distribute such specimen to any other person, and (C) such
35 beneficiary or heir obtains a certificate of possession from the
36 Commissioner of Energy and Environmental Protection not later than
37 one hundred eighty days after receipt of such specimen.

38 (e) Any specimen of a big six African species and any other property
39 or item used in connection with a violation of the provisions of this
40 section shall be seized and held pending any criminal proceeding
41 pursuant to this section. In any criminal prosecution pursuant to this
42 section, secondary evidence, including, but not limited to,
43 photographs, shall be admissible against the defendant to the same
44 extent as such specimen would be admissible.

45 (f) Any person who violates the provisions of this section shall be

46 guilty of a felony and fined not more than ten thousand dollars and
47 imprisoned not more than two years, or both.

48 (g) Upon conviction of a person for violation of the provisions of
49 this section or upon the entry of a judgment restraining a defendant
50 from importing, possessing, selling, offering for sale or transporting
51 any specimen of a big six African species on the grounds that such
52 activity is or would be a violation of the provisions of this section, any
53 specimen of a big six African species and any other property or item
54 that is seized and held pursuant to this section shall be forfeited and,
55 upon such forfeiture, destroyed, provided nothing in this subsection
56 shall be construed to require or authorize the destruction of a living
57 specimen of a big six African species.

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

61 (i) Nothing in this section shall be construed to apply to the
62 importing, transporting or possessing of a live big six African species
63 by any zoological institution or circus.

64 (j) Nothing in this section shall be construed to apply to the
65 transportation, purchase, exhibition or use of any animal in a motion
66 picture, television or digital media production by a motion picture,
67 television or digital media production company that employs or
68 contracts with a dealer or exhibitor licensed pursuant to 7 USC 2133, as
69 amended from time to time, or with a carrier, intermediate handler or
70 unlicensed exhibitor registered under 7 USC 2136, as amended from
71 time to time, to conduct such transport, purchase, exhibition or use.

72 Sec. 2. Subsection (d) of section 26-311 of the general statutes is
73 repealed and the following is substituted in lieu thereof (*Effective*
74 *October 1, 2019*):

75 (d) Nothing in section 1 of this act or sections 26-303 to 26-312,
76 inclusive, or any regulations adopted pursuant to said sections shall

77 prohibit transportation through this state of any endangered or
78 threatened species in accordance with the terms of any permit issued
79 under the laws of another state provided the person in possession of
80 an endangered or threatened species can prove legal possession of the
81 species.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	New section
Sec. 2	October 1, 2019	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 20 \$	FY 21 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill bans importing, possessing, selling, offering for sale, or transporting certain specimens of African animals and creates a felony for violating the ban. Violations of this provision may result in a potential cost for incarceration or probation and a potential revenue gain from fines assessed. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800¹ while the average marginal cost for supervision in the community is less than \$700² each year.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

¹ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

² Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

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)