



General Assembly

Amendment

January Session, 2019

LCO No. 7847



Offered by:

- SEN. COHEN, 12th Dist.
- SEN. DUFF, 25th Dist.
- SEN. MOORE, 22nd Dist.
- SEN. WINFIELD, 10th Dist.
- SEN. MCCRORY, 2nd Dist.

To: Subst. Senate Bill No. 20

File No. 43

Cal. No. 44

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

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

3 "Section 1. (NEW) (*Effective October 1, 2019*) (a) For purposes of this
4 section, "big six African species" means any specimen of any of the
5 following members of the animal kingdom: African elephant
6 (*loxodonta africana*), African lion (*panthera leo*), African leopard
7 (*panthera pardus pardus*), black rhinoceros (*diceros bicornis*), white
8 rhinoceros (*ceratotherium simum cottoni*) and African giraffe (*giraffa*
9 *camelopardalis*), including any part, product or offspring thereof, or
10 the dead body or parts thereof, except fossils, whether or not it is
11 included in a manufactured product or in a food product.

12 (b) No person shall import, possess, sell, offer for sale or transport in
13 this state any big six African species.

14 (c) Any municipal or state law enforcement officer including, but
15 not limited to, any environmental conservation officer, shall have
16 authority to enforce the provisions of this section and, whenever
17 necessary, to execute any warrant to search for and seize any big six
18 African species imported, possessed, sold, offered for sale or
19 transported in violation of this section.

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

43 (e) Any specimen of a big six African species and any other property
44 or item used in connection with a violation of the provisions of this

45 section shall be seized and held pending any criminal proceeding
46 pursuant to this section. In any criminal prosecution pursuant to this
47 section, secondary evidence, including, but not limited to,
48 photographs, shall be admissible against the defendant to the same
49 extent as such specimen would be admissible.

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

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

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

66 (i) Nothing in this section shall be construed to apply to the
67 importing, transporting or possessing of a live big six African species
68 by any zoological institution or circus or any local, municipal or
69 regional fair.

70 (j) Nothing in this section shall be construed to apply to the
71 transportation, purchase, exhibition or use of any animal in a motion
72 picture, television or digital media production by a motion picture,
73 television or digital media production company that employs or
74 contracts with a dealer or exhibitor licensed pursuant to 7 USC 2133, as
75 amended from time to time, or with a carrier, intermediate handler or
76 unlicensed exhibitor registered under 7 USC 2136, as amended from

77 time to time, to conduct such transport, purchase, exhibition or use.

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

81 (d) Nothing in section 1 of this act or sections 26-303 to 26-312,
82 inclusive, or any regulations adopted pursuant to said sections shall
83 prohibit transportation through this state of any endangered or
84 threatened species in accordance with the terms of any permit issued
85 under the laws of another state provided the person in possession of
86 an endangered or threatened species can prove legal possession of the
87 species."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	New section
Sec. 2	<i>October 1, 2019</i>	26-311(d)