



General Assembly

Amendment

January Session, 2019

LCO No. 8398



Offered by:

SEN. COHEN, 12th Dist.
SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
SEN. MOORE, 22nd Dist.

SEN. WINFIELD, 10th Dist.
SEN. MCCRORY, 2nd Dist.
SEN. FASANO, 34th 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, as of the
25 effective date of this section, obtained a certificate of possession from
26 the Commissioner of Energy and Environmental Protection not later
27 than one hundred eighty days after the availability of such certificates
28 from the Department of Energy and Environmental Protection; (2)
29 such specimen of a big six African species is a part of or is to be part of
30 a temporary or permanent collection of a museum or educational or
31 scientific institution that has a tax exemption from the federal Internal
32 Revenue Service as an educational or scientific institution or is to be
33 used for research purposes by such an institution; or (3) such specimen
34 of a big six African species is distributed directly to a legal beneficiary
35 of a trust or to a legal heir, provided such beneficiary or heir obtains a
36 certificate of possession from the Commissioner of Energy and
37 Environmental Protection not later than one hundred eighty days after
38 receipt of such specimen.

39 (e) Any specimen of a big six African species that is the basis of a
40 violation of the provisions of this section shall be seized and held
41 pending any criminal proceeding pursuant to this section. In any
42 criminal prosecution pursuant to this section, secondary evidence,
43 including, but not limited to, photographs, that is otherwise admissible
44 as evidence, shall be admissible against the defendant to the same

45 extent as such specimen would be admissible.

46 (f) Any person who violates the provisions of this section shall be
47 guilty of a misdemeanor and fined not more than two thousand dollars
48 or imprisoned not more than one year, or both.

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

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

62 (i) Nothing in this section shall be construed to apply to the
63 importing, transporting or possessing of a live big six African species
64 by any zoological institution accredited by the Zoological Association
65 of America or circus approved by the Department of Consumer
66 Protection or any local, municipal or regional fair.

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

75 Sec. 2. Subsection (d) of section 26-311 of the general statutes is

76 repealed and the following is substituted in lieu thereof (*Effective*
 77 *October 1, 2019*):

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