



**PA 23-77**—sSB 1148  
*Environment Committee*  
*Judiciary Committee*

**AN ACT AUTHORIZING CERTAIN KILLING OF BLACK BEAR AND PROHIBITING INTENTIONAL FEEDING OF POTENTIALLY DANGEROUS ANIMALS**

**SUMMARY:** State law generally prohibits taking (e.g., capturing, trapping, or killing) a bear. This act allows killing a bear in self-defense, permits the taking of certain nuisance wildlife, and prohibits intentionally feeding potentially dangerous animals on land not owned by the state.

More specifically, the act explicitly allows a person to use deadly physical force to kill a bear if the person reasonably believes the bear is (1) inflicting, or about to inflict, great bodily harm to a person; (2) injuring or killing the person’s controlled pet; or (3) entering a building occupied with people (§ 2).

The act also authorizes the Department of Energy and Environmental Protection (DEEP) commissioner to issue permits for taking certain wildlife that threatens or damages agricultural crops, livestock, or apiaries (§ 1). To get a permit, the property owner or lessee must have tried reasonable nonlethal efforts (e.g., electric fencing, animal guardians, or fortified structures) that failed to prevent damage. DEEP must specify in the permit the means, methods, and times for taking the nuisance wildlife.

Lastly, the act prohibits people from intentionally feeding potentially dangerous animals on land not owned by the state and makes a violation an infraction (§ 3). It defines a “potentially dangerous animal” as any Felidae (e.g., bobcat), Canidae (e.g., coyote, fox), or Ursidae (e.g., black bear). However, it excludes (1) a domestic cat or dog and (2) an animal under the care, custody, or control of a zoo or wildlife facility.

EFFECTIVE DATE: October 1, 2023

**§ 1 — NUISANCE WILDLIFE PERMITS**

By law, the DEEP commissioner may issue permits allowing the taking of wildlife (other than deer) that causes unreasonable damage to agricultural crops at night if controlling the wildlife is impracticable during the day. The law allows the permit holder to take the wildlife at night by methods the commissioner deems appropriate.

Regardless of that law, the act authorizes the DEEP commissioner to issue permits allowing the taking of wildlife (other than deer) that threatens or causes damage to agricultural crops, livestock, or apiaries if reasonable nonlethal efforts have been used and failed to prevent damage. However, the act does not allow for the taking of a federally protected species.

Before issuing a permit, DEEP must find that (1) the property owner or lessee

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used reasonable nonlethal efforts to protect the property that were not, or are not likely to be, successful in preventing damage and (2) taking wildlife is necessary to protect the property from excessive damage.

Under the act, DEEP must specify in the permit the means, methods, and times for when taking wildlife is allowed. Additionally, DEEP may only issue a permit to the property owner, or his or her agent, or to a lessee who has the owner's written permission. The act requires that the wildlife taken under the permit be disposed of as DEEP directs.

Anyone who violates the act's provisions or any conditions of a permit is guilty of a class D misdemeanor (see [Table on Penalties](#)). The commissioner must also revoke the permit, as well as all other permits or licenses relating to the property. The permit remains suspended for a period of time set by the commissioner.

### § 3 — INTENTIONALLY FEEDING POTENTIALLY DANGEROUS ANIMALS

#### *Prohibition*

The act prohibits people from intentionally feeding potentially dangerous animals on land not owned by the state and makes doing so an infraction. Under the act, "intentionally feeding" is placing, providing, giving, exposing, depositing, scattering, or distributing an edible material or attractant with the intent of feeding, attracting, or enticing potentially dangerous animals.

#### *Regulations and Enforcement*

The act authorizes the DEEP commissioner to adopt regulations about intentionally feeding potentially dangerous animals on land not owned by the state. (By law, she may already adopt regulations about feeding wildlife on state-owned property.) A violation of the regulations is an infraction.

DEEP-appointed conservation officers and other officers authorized to serve criminal process may enforce the act's provisions and any associated regulations.

#### *Exemptions*

The act specifies that its provisions on intentionally feeding potentially dangerous animals do not apply to the following:

1. composting at a permitted solid waste facility or facility permitted to discharge material into state waters, as long as best practices are used to mitigate attracting potentially dangerous animals;
2. small-scale composting operations (presumably, backyard composting);
3. composting agricultural waste;
4. disposing of agricultural animal carcasses; or
5. agriculture, farming, or aquaculture.

#### *Municipal Ordinances*

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The act does not preempt a municipal ordinance that is more restrictive about intentionally feeding wildlife on land not owned by the state.