

---

## OLR Bill Analysis

sSB 1148 (File 518, as amended by Senate "A")\*

### ***AN ACT AUTHORIZING CERTAIN KILLING OF BLACK BEAR AND PROHIBITING BIRD FEEDERS AND OTHER UNINTENTIONAL AND INTENTIONAL FEEDING OF POTENTIALLY DANGEROUS ANIMALS.***

#### **SUMMARY**

State law generally prohibits the taking (e.g., killing) of bear. This bill addresses taking bears in self-defense, allows the taking of certain nuisance wildlife, and prohibits intentionally feeding potentially dangerous animals.

The bill 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 pet that was otherwise under control; or (3) entering a building occupied with people (§ 2).

The bill also authorizes the Department of Energy and Environmental Protection (DEEP) commissioner to issue permits for the taking of certain wildlife that threatens or causes damage to 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 bill prohibits people from intentionally feeding a potentially dangerous animal on private land and makes a violation an infraction (§ 3). A "potentially dangerous animal" is any Felidae (e.g., bobcat), Canidae (e.g., coyote, fox), or Ursidae (e.g., 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.

\*Senate Amendment "A" (1) excludes certain animals from the definition of potentially dangerous animal and (2) eliminates provisions on unintentionally feeding potentially dangerous animals.

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 necessary.

Regardless of this law, the bill 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 bill does not allow for the taking of a federally protected species.

Before issuing a permit, DEEP must find that the (1) property owner or lessee used reasonable nonlethal efforts to protect the property that were not, and are not likely to be, successful in preventing damage and (2) taking of wildlife is necessary to protect the property from excessive damage.

Under the bill, 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 bill requires that the wildlife taken under the permit be disposed of as DEEP directs.

Anyone who violates the bill's provisions or any conditions of a permit is guilty of a class D misdemeanor, which is punishable by up to 30 days in prison, a fine of up to \$250, or both. 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 — FEEDING POTENTIALLY DANGEROUS ANIMALS ON PRIVATE LAND**

#### ***Prohibition***

The bill prohibits people from intentionally feeding a potentially dangerous animal on private land and makes doing so an infraction.

Under the bill, “intentionally feed” means to place, provide, give, expose, deposit, scatter, or distribute an edible material or attractant with the intent of feeding, attracting, or enticing potentially dangerous animals.

#### ***Regulations and Enforcement***

The bill authorizes the DEEP commissioner to adopt regulations about intentional feeding of potentially dangerous animals on private land. (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 bill’s provisions and any associated regulations.

#### ***Exemptions***

The bill 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***

The bill does not preempt a municipal ordinance that is more restrictive about intentional feeding of wildlife on private land.

**BACKGROUND**

***Infractions***

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. (There may be other added charges based on the type of infraction. For example, certain motor vehicle infractions trigger a surcharge of 50% of the fine.) An infraction is not a crime, and violators can generally pay the fine by mail without making a court appearance.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 23 Nay 10 (03/24/2023)

Judiciary Committee

Joint Favorable

Yea 25 Nay 6 (05/03/2023)