Senate

General Assembly

File No. 712

January Session, 2025

Substitute Senate Bill No. 1523

Senate, April 16, 2025

The Committee on Environment reported through SEN. LOPES of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE TAKING OF WILDLIFE THAT DAMAGE CROPS OR BLACK BEAR THAT INJURE OR KILL LIVESTOCK.

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

Section 1. Subsection (e) of section 26-47 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) Notwithstanding the provisions of subsection (a) of this section, the Commissioner of Energy and Environmental Protection may issue permits for the taking of wildlife that threatens, **[**or**]** causes damage to agricultural crops, livestock or apiaries **[**,**]** or that caused damage to crops during the preceding growing season, as verified by the Department of Energy and Environmental Protection if: (1) The owner or lessee of the subject property utilized reasonable nonlethal efforts to protect such **[**crops,**]** apiaries or livestock, including, but not limited to, electric fencing, animal guardians or fortified enclosed structures, and (2) an investigation by Department of Energy and Environmental Protection personnel determines that the taking of such wildlife is

necessary to protect agricultural crops, apiaries or livestock from excessive damage and that reasonable nonlethal efforts to protect such **[**crops,**]** apiaries or livestock have not been or are not likely to be successful in preventing further damage. Any such permit issued pursuant to this subsection shall specify the means, methods and times for which such take is allowed and shall only be issued by the commissioner to the: (A) Owner of the subject property on which such excessive damage occurred, (B) agent of such owner, or (C) lessee of such subject property, provided such lessee has the written permission of such owner to take wildlife. No application for a permit pursuant to this section shall require notarization. Any wildlife taken pursuant to this section shall be disposed of as directed by the department. The provisions of this subsection shall not be construed to authorize the taking of any federally protected species.

Sec. 2. Subsection (c) of section 26-80a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Nothing in this section shall be construed to prevent any person from using deadly physical force to kill a bear if such person reasonably believes that a bear is: (1) Inflicting or is about to inflict great bodily harm to a human, (2) injuring or killing such person's pet or livestock that is otherwise controlled in accordance with any applicable provision of the general statutes or any regulation adopted pursuant to such a provision, or (3) entering a building occupied by persons.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	26-47(e)
Sec. 2	*from passage*	26-80a(c)

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 26 $	FY 27 $
Department of Energy and Environmental Protection	GF - Cost	32,500	32,500
State Comptroller - Fringe Benefits[1]	GF - Cost	13,231	13,231
Resources of the General Fund	GF - Revenue Gain	Minimal	Minimal
Judicial Dept. (Probation)	GF - Potential Savings	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Loss	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

The bill expands and revises the use of deadly physical force to kill a bear. The bill results in a cost to the Department of Energy and Environmental Protection (DEEP) associated with monitoring crop damage, issuing additional permits, and disposing of wildlife. DEEP would require a part-time Environmental Conservation Officer, with a salary of $32,500 and corresponding fringe benefits of $13,231 (for a total of $45,721) annually, beginning in FY 26. Also, there is a minimal revenue increase to the resources of the General Fund associated with issuing additional permits. It is anticipated the revenue increase would be minimal.

Section 2 expands the circumstances in which a person may exert lethal force over wildlife resulting in a potential savings to the Judicial

[1]The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.71% of payroll in FY 26.

Department for probation and a potential revenue loss to the General Fund from fines.[2] On average, the marginal cost for supervision in the community is less than $600[3] each year for adults and $450 each year for juveniles.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, number of permits, and actual violations.

[2] From FY 20 - FY 24, 10 charges were recorded and $250 in associated revenue was collected under CGS § 26-80a.

[3] Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant.

OLR Bill Analysis

sSB 1523

AN ACT CONCERNING THE TAKING OF WILDLIFE THAT DAMAGE CROPS OR BLACK BEAR THAT INJURE OR KILL LIVESTOCK.

SUMMARY

This bill allows a person to use deadly physical force to kill a bear if the person reasonably believes the bear is injuring or killing the person's controlled livestock. The law already allows a person to kill a bear when 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 an occupied building.

The bill also revises the conditions under which the Department of Energy and Environmental Protection (DEEP) commissioner may issue a permit to take (e.g., kill or trap) certain nuisance wildlife that threatens or damages agricultural crops, livestock, or apiaries. Under current law, 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. The bill removes the requirement that the owner or lessee try reasonable nonlethal efforts to protect crops.

The bill also allows DEEP to issue permits for the taking of nuisance wildlife if the wildlife caused damage to agricultural crops during the previous growing season, as verified by DEEP. As under existing law, DEEP must specify in the permit the means, methods, and times for taking the nuisance wildlife, and the permit cannot allow for the taking of deer or a federally protected species. 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 law requires that the wildlife taken under the permit be disposed of as DEEP directs.

By law, anyone who violates the conditions of a permit is guilty of a class D misdemeanor (up to 30 days in prison, up to a $250 fine, or both). The DEEP 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.

Lastly, the bill prohibits DEEP's nuisance wildlife permit applications from requiring notarization.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 27 Nay 6 (03/28/2025)