



General Assembly

Amendment

January Session, 2009

LCO No. 8767

HB0655208767HDO

Offered by:

REP. URBAN, 43rd Dist.
REP. FONTANA, 87th Dist.
REP. HORNISH, 62nd Dist.
REP. MEGNA, 97th Dist.

To: Subst. House Bill No. 6552

File No. 516

Cal. No. 336

"AN ACT BANNING THE POSSESSION OF POTENTIALLY DANGEROUS ANIMALS AND THE IMPORTATION, POSSESSION AND LIBERATION OF WILD ANIMALS."

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

3 "Section 1. (NEW) (*Effective October 1, 2009*) No person shall operate,
4 provide, sell, use or offer to operate, provide, sell or use any computer
5 software or service in this state that allows a person, when not
6 physically present, to remotely control a firearm or weapon to hunt a
7 live animal or bird.

8 Sec. 2. Section 26-40a of the general statutes is repealed and the
9 following is substituted in lieu thereof (*Effective October 1, 2009*):

10 (a) No person shall possess a potentially dangerous animal. For the
11 purposes of this section, the following wildlife, or any hybrid thereof,

12 shall be considered [as] potentially dangerous animals:

13 (1) The felidae, including, but not limited to, the lion, leopard,
14 cheetah, jaguar, ocelot, jaguarundi cat, puma, lynx, [and] bobcat, [; the]
15 tiger, serval, caracal, jungle cat and Savannah cat;

16 (2) The canidae, including, but not limited to, the wolf, [and] coyote
17 and fox; [and the]

18 (3) The ursidae, including, but not limited to, the black bear, grizzly
19 bear and brown bear, [. No person shall possess a potentially
20 dangerous animal.]

21 (4) The nonhuman primates, including, but not limited to, the
22 gorilla, chimpanzee and orangutan, gibbon, monkey, capuchin
23 monkey, squirrel monkey, marmoset, tamarin, lemur, loris, aye-aye
24 and tarsier.

25 (b) Any such animal illegally possessed may be ordered seized and
26 may be relocated or disposed of as determined by the Commissioner of
27 Environmental Protection. The Department of Environmental
28 Protection shall issue a bill to the owner or person in illegal possession
29 of such potentially dangerous animal for all costs of seizure, care,
30 maintenance, [and] relocation or disposal of such animal. Additionally,
31 any person who violates any provision of this section shall be assessed
32 a civil penalty not to exceed [one] two thousand dollars, to be fixed by
33 the court, for each offense. Each violation shall be a separate and
34 distinct offense and in the case of a continuing violation, each day's
35 continuance thereof shall be deemed to be a separate and distinct
36 offense. The Commissioner of Environmental Protection may request
37 the Attorney General to institute an action in Superior Court to recover
38 such penalty and any amounts owed pursuant to a bill issued in
39 accordance with this section and for an order providing such equitable
40 and injunctive relief as the court deems appropriate.

41 (c) The provisions of this section shall not apply to municipal parks,
42 zoos [and] accredited by the Association of Zoos and Aquariums or the

43 Zoological Association of America, public nonprofit aquaria, nature
44 centers, [or] museums, laboratories [and] or research facilities
45 maintained by scientific or educational institutions [;] licensed or
46 registered with the United States Department of Agriculture or to a
47 person possessing a Bengal cat certified by an internationally
48 recognized multiple-cat domestic feline breeding association as being
49 without wild parentage for a minimum of four prior generations
50 which cat was registered with the Commissioner of Agriculture on or
51 before October 1, 1996, provided no such cat may be imported into this
52 state after June 6, 1996. [; or to persons possessing animals legally on or
53 before May 23, 1983.] In any action taken by any official of the state or
54 any municipality to control rabies, a Bengal cat shall be considered not
55 vaccinated for rabies in accordance with accepted veterinary practice.

56 (d) A person may possess an elephant if such elephant is: (1)
57 Imported or possessed in the state prior to October 1, 2009, provided
58 such elephant is registered with the commissioner on or before January
59 1, 2010, in a manner prescribed by the commissioner, (2) imported or
60 possessed by a zoo accredited by the Association of Zoos and
61 Aquariums, or (3) located in the state for not more than thirty days as
62 part of a circus.

63 (e) Notwithstanding the provisions of subdivision (4) of subsection
64 (a) of this section, a person who is in lawful possession of a nonhuman
65 primate prior to the effective date of this section may continue to
66 possess such animal for the remainder of the life of such animal,
67 provided such person registers such animal with the Department of
68 Environmental Protection on or before January 1, 2009, in a manner
69 prescribed by the commissioner. The owner or keeper of such primate
70 shall be strictly liable for damages for the injury or death of another
71 person or damage to the property of another person resulting from the
72 actions of such primate.

73 (f) Notwithstanding the provisions of subdivision (4) of subsection
74 (a) of this section, the Commissioner of Environmental Protection may
75 issue a permit for the possession of a service primate to a permanently

76 disabled person with a severe mobility impairment, provided such
77 disabled person submits written certification to the commissioner: (1)
78 From a licensed medical doctor attesting to such disabled person's
79 disability, mobility impairment and the need for a service primate to
80 provide an essential function that cannot be performed by the disabled
81 person; (2) that such service primate is legally obtained, is from the
82 genus Cebus and is trained by an accredited service primate training
83 organization; and (3) that the organization furnishing the service
84 primate to the disabled person is a nonprofit organization and is in
85 compliance with all applicable federal and state animal welfare laws.

86 (g) Any person who wilfully violates any provision of subsection (a)
87 of this section shall be guilty of a class A misdemeanor.

88 Sec. 3. Section 26-55 of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective October 1, 2009*):

90 [No] (a) Except as provided in subsection (c) of this section, no
91 person shall import or introduce into the state, or possess or liberate
92 therein, any live fish, wild bird, wild mammal, reptile, amphibian or
93 invertebrate unless such person has obtained a permit therefor from
94 the commissioner. [, provided nothing in this section shall be
95 construed to require such permit for any primate species that weighs
96 not more than fifty pounds at maturity that was imported or possessed
97 in the state prior to October 1, 2003.] Such permit may be issued at the
98 discretion of the commissioner under such regulations as the
99 commissioner may prescribe. The commissioner may by regulation
100 prescribe the numbers of live fish, wild birds, wild mammals, reptiles,
101 amphibians or invertebrates of certain species which may be imported,
102 possessed, introduced into the state or liberated therein. The
103 commissioner may by regulation exempt certain species or groups of
104 live fish from the permit requirements. The commissioner may by
105 regulation determine which species of wild birds, wild mammals,
106 reptiles, amphibians or invertebrates must meet permit requirements.
107 The commissioner may totally prohibit the importation, possession,
108 introduction into the state or liberation therein of certain species which

109 the commissioner has determined may be a potential threat to humans,
110 agricultural crops or established species of plants, fish, birds,
111 mammals, reptiles, amphibians or invertebrates. The commissioner
112 may by regulation exempt from permit requirements organizations or
113 institutions such as municipal parks, zoos, laboratories and research
114 [laboratories, colleges or universities] facilities maintained by scientific
115 or educational institutions, museums, public nonprofit aquaria or
116 nature centers where live fish, wild birds, wild mammals, reptiles,
117 amphibians or invertebrates are held in strict confinement.

118 (b) Any such fish, bird, mammal, reptile, amphibian or invertebrate
119 illegally imported into the state or illegally possessed therein [shall]
120 may be seized by any representative of the Department of
121 Environmental Protection and [shall] may be relocated or disposed of
122 as determined by the commissioner. [Any person, except as provided
123 in section 26-55a, who violates any provision of this section or any
124 regulation issued by the commissioner as provided in this section shall
125 be guilty of an infraction. Importation, liberation or possession of each
126 fish, wild bird, wild mammal, reptile, amphibian or invertebrate in
127 violation of this section or such regulation shall be a separate and
128 distinct offense and, in the case of a continuing violation, each day of
129 continuance thereof shall be deemed to be a separate and distinct
130 offense.] The Department of Environmental Protection shall issue a bill
131 to the owner or person in illegal possession of such animal for all costs
132 of seizure, care, maintenance, relocation or disposal for such animal.

133 (c) Any person who violates any provision of this section or any
134 regulation adopted by the commissioner pursuant to this section shall
135 be assessed a civil penalty not to exceed one thousand dollars, to be
136 fixed by the court, for each offense. Each violation shall be a separate
137 and distinct offense. In the case of a continuing violation, each day's
138 continuance thereof shall be deemed to be a separate and distinct
139 offense. The Commissioner of Environmental Protection may request
140 the Attorney General to institute an action in Superior Court to recover
141 such civil penalty and any amounts owed pursuant to a bill issued in
142 accordance with subsection (b) of this section and for an order

143 providing such equitable and injunctive relief as the court deems
144 appropriate.

145 (d) Any person who wilfully violates any provision of this section or
146 any regulation adopted by the commissioner pursuant to this section
147 shall be guilty of a class C misdemeanor."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section
Sec. 2	October 1, 2009	26-40a
Sec. 3	October 1, 2009	26-55