



General Assembly

Amendment

January Session, 2009

LCO No. 8912

HB0655208912HDO

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 Section 26-40a of the general statutes is repealed and the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 (2) The canidae, including, but not limited to, the wolf_z and coyote;
16 [and the]

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

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

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

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

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

55 (d) Notwithstanding the provisions of subdivision (4) of subsection
56 (a) of this section, a person who is in lawful possession of a nonhuman
57 primate prior to the effective date of this section may continue to
58 possess such animal for the remainder of the life of such animal,
59 provided such person registers such animal with the Department of
60 Environmental Protection on or before January 1, 2009, in a manner
61 prescribed by the commissioner. The owner or keeper of such primate
62 shall be strictly liable for damages for the injury or death of another
63 person or damage to the property of another person resulting from the
64 actions of such primate.

65 (f) Notwithstanding the provisions of subdivision (4) of subsection
66 (a) of this section, the Commissioner of Environmental Protection may
67 issue a permit for the possession of a service primate to a permanently
68 disabled person with a severe mobility impairment, provided such
69 disabled person submits written certification to the commissioner: (1)
70 From a licensed medical doctor attesting to such disabled person's
71 disability, mobility impairment and the need for a service primate to
72 provide an essential function that cannot be performed by the disabled
73 person; (2) that such service primate is legally obtained, is from the
74 genus Cebus and is trained by an accredited service primate training
75 organization; and (3) that the organization furnishing the service
76 primate to the disabled person is a nonprofit organization and is in

77 compliance with all applicable federal and state animal welfare laws.

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

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

82 [No] (a) Except as provided in subsection (c) of this section, no
83 person shall import or introduce into the state, or possess or liberate
84 therein, any live fish, wild bird, wild mammal, reptile, amphibian or
85 invertebrate unless such person has obtained a permit therefor from
86 the commissioner. [, provided nothing in this section shall be
87 construed to require such permit for any primate species that weighs
88 not more than fifty pounds at maturity that was imported or possessed
89 in the state prior to October 1, 2003.] Such permit may be issued at the
90 discretion of the commissioner under such regulations as the
91 commissioner may prescribe. The commissioner [may] shall by
92 regulation prescribe the numbers of live fish, wild birds, wild
93 mammals, reptiles, amphibians or invertebrates of certain species
94 which may be imported, possessed, introduced into the state or
95 liberated therein. The commissioner may by regulation exempt certain
96 species or groups of live fish from the permit requirements. The
97 commissioner [may] shall by regulation determine which species of
98 wild birds, wild mammals, reptiles, amphibians or invertebrates must
99 meet permit requirements. The commissioner may totally prohibit the
100 importation, possession, introduction into the state or liberation
101 therein of certain species which the commissioner has determined may
102 be a potential threat to humans, agricultural crops or established
103 species of plants, fish, birds, mammals, reptiles, amphibians or
104 invertebrates. The commissioner [may] shall by regulation exempt
105 from permit requirements organizations or institutions such as
106 municipal parks, zoos, laboratories and research [laboratories, colleges
107 or universities] facilities maintained by scientific or educational
108 institutions, museums, public nonprofit aquaria or nature centers
109 where live fish, wild birds, wild mammals, reptiles, amphibians or

110 invertebrates are held in strict confinement.

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

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

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

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