



# Senate

General Assembly

**File No. 216**

January Session, 2021

Substitute Senate Bill No. 925

*Senate, March 30, 2021*

The Committee on Environment reported through SEN. COHEN of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT PROHIBITING THE IMPORT, SALE AND POSSESSION OF AFRICAN ELEPHANTS, LIONS, LEOPARDS, BLACK RHINOCEROS, WHITE RHINOCEROS AND GIRAFFES.***

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

1 Section 1. (NEW) (*Effective October 1, 2021*) (a) For purposes of this  
2 section, "big six African species" means any specimen of any of the  
3 following members of the animal kingdom: African elephant (*loxodonta*  
4 *africana*), African lion (*panthera leo*), African leopard (*panthera pardus*  
5 *pardus*), black rhinoceros (*diceros bicornis*), white rhinoceros  
6 (*ceratotherium simum cottoni*) and African giraffe (*giraffa*  
7 *camelopardalis*), including any part, product or offspring thereof, or the  
8 dead body or parts thereof, except fossils, whether or not it is included  
9 in a manufactured product or in a food product.

10 (b) No person shall import, possess, sell, offer for sale or transport in  
11 this state any big six African species.

12 (c) Any law enforcement officer shall have authority to enforce the

13 provisions of this section and, whenever necessary, to execute any  
14 warrant to search for and seize any big six African species imported,  
15 possessed, sold, offered for sale or transported in violation of this  
16 section.

17 (d) Unless such activity is otherwise prohibited by federal law, the  
18 provisions of subsection (b) of this section shall not apply if any of the  
19 following conditions exist: (1) Such specimen of a big six African species  
20 was located or possessed within the state prior to the effective date of  
21 this section and the legal owner of such specimen obtained a certificate  
22 of possession from the Commissioner of Energy and Environmental  
23 Protection not later than one hundred eighty days after the effective date  
24 of this section; (2) such specimen of a big six African species is to be part  
25 of a temporary or permanent collection of a museum that has a tax  
26 exemption from the federal Internal Revenue Service as an educational  
27 or scientific institution or is to be used by a zoological institution for  
28 educational purposes, provided such specimen is not subsequently  
29 sold, offered for sale, traded, bartered or distributed to any other party;  
30 or (3) such specimen of a big six African species is distributed directly  
31 to a legal beneficiary of a trust or to a legal heir provided: (A) Such  
32 specimen was located or possessed by the decedent prior to the effective  
33 date of this section, (B) such beneficiary or heir does not subsequently  
34 sell, offer for sale, trade, barter or distribute such specimen to any other  
35 person, and (C) such beneficiary or heir obtains a certificate of  
36 possession from the Commissioner of Energy and Environmental  
37 Protection not later than one hundred eighty days after receipt of such  
38 specimen.

39 (e) Any specimen of a big six African species and any other property  
40 or item used in connection with a violation of the provisions of this  
41 section shall be seized and held pending any criminal proceeding  
42 pursuant to this section. In any criminal prosecution pursuant to this  
43 section, secondary evidence, including, but not limited to, photographs,  
44 shall be admissible against the defendant to the same extent as such  
45 specimen would be admissible.

46 (f) Any person who violates the provisions of this section shall be  
47 guilty of a felony and fined not more than ten thousand dollars and  
48 imprisoned not more than two years, or both.

49 (g) Upon conviction of a person for violation of the provisions of this  
50 section or upon the entry of a judgment restraining a defendant from  
51 importing, possessing, selling, offering for sale or transporting any  
52 specimen of a big six African species on the grounds that such activity  
53 is or would be a violation of the provisions of this section, any specimen  
54 of a big six African species and any other property or item that is seized  
55 and held pursuant to this section shall be forfeited and, upon such  
56 forfeiture, destroyed, provided nothing in this subsection shall be  
57 construed to require or authorize the destruction of a living specimen of  
58 a big six African species.

59 (h) Nothing in this section shall be construed to apply to the  
60 importing, possessing, selling, offering for sale or transporting of ivory  
61 in this state.

62 (i) Nothing in this section shall be construed to apply to the  
63 importing, transporting or possessing of a live big six African species by  
64 any zoological institution or circus.

65 (j) Nothing in this section shall be construed to apply to the  
66 transportation, purchase, exhibition or use of any animal in a motion  
67 picture, television or digital media production by a motion picture,  
68 television or digital media production company that employs or  
69 contracts with a dealer or exhibitor licensed pursuant to 7 USC 2133, as  
70 amended from time to time, or with a carrier, intermediate handler or  
71 unlicensed exhibitor registered under 7 USC 2136, as amended from  
72 time to time, to conduct such transport, purchase, exhibition or use.

73 Sec. 2. Subsection (d) of section 26-311 of the general statutes is  
74 repealed and the following is substituted in lieu thereof (*Effective October*  
75 *1, 2021*):

76 (d) Nothing in section 1 of this act, sections 26-303 to 26-312, inclusive,

77 or any regulations adopted pursuant to said sections shall prohibit  
78 transportation through this state of any endangered or threatened  
79 species in accordance with the terms of any permit issued under the  
80 laws of another state provided the person in possession of an  
81 endangered or threatened species can prove legal possession of the  
82 species.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	New section
Sec. 2	October 1, 2021	26-311(d)

**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 22 \$	FY 23 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill bans importing, possessing, selling, offering for sale, or transporting certain specimens of African animals and creates a felony for violating the ban. Violations of this provision may result in a potential cost for incarceration or probation and a potential revenue gain from fines assessed. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,200<sup>1</sup> while the average marginal cost for supervision in the community is less than \$700<sup>2</sup> each year.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

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**OLR Bill Analysis****sSB 925*****AN ACT PROHIBITING THE IMPORT, SALE AND POSSESSION OF AFRICAN ELEPHANTS, LIONS, LEOPARDS, BLACK RHINOCEROS, WHITE RHINOCEROS AND GIRAFFES.*****SUMMARY**

This bill generally bans importing, possessing, selling, offering for sale, or transporting in Connecticut a specimen (dead or alive) of any of six types of African animals, which the bill collectively refers to as the “big six African species.” It applies to certain elephants, lions, leopards, giraffes, and two rhinoceros species.

The bill makes violating the ban a felony and subjects a violator to a fine of up to \$10,000, up to two years in prison, or both. It requires seizure of and holding the specimen and any property or item used in connection with the violation. If there is a conviction or a judgment restraining someone from violating the ban, the bill requires that the specimen, property, or item be forfeited. The specimen (unless it is alive), property, or item also must be destroyed.

The bill contains several exemptions, including for a specimen that is already legally in the state or distributed to a beneficiary or heir, as long as the owner or distributee timely obtains a certificate of possession from the Department of Energy and Environmental Protection (DEEP). The ban also does not apply to fossils and ivory and the following under certain conditions: circuses; museums; zoological institutions; and motion picture, television, or digital media production companies.

Lastly, the bill specifies that the ban does not prohibit transporting through the state endangered or threatened species subject to the terms of another state’s permit, which existing law allows.

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The United States regulates the trade of the species covered by the

bill, except the giraffe, through the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and laws such as the Endangered Species Act (16 U.S.C. § 1531 et seq.). Specifically, trade of the species requires permits at a minimum (see BACKGROUND).

EFFECTIVE DATE: October 1, 2021

## SCOPE OF BAN

### ***Species Covered***

The ban applies to any specimen of any of the following six species:

1. African elephant (*loxodonta Africana*),
2. African lion (*panthera leo*),
3. African leopard (*panthera pardus pardus*),
4. African giraffe (*giraffa camelopardalis*),
5. Black rhinoceros (*diceros bicornis*), and
6. White rhinoceros (*ceratotherium simum cottoni*).

A specimen generally includes any part, product, or offspring of the species, whether dead or alive, including part of a manufactured or food product (see *Exemptions*, below).

### ***Exemptions***

***Fossils and Ivory.*** The bill's ban does not apply to fossils or ivory.

***Individuals and Museums.*** The bill also exempts from the ban, so long as federal law does not prohibit it, a specimen that is:

1. located or possessed in Connecticut before October 1, 2021, and whose legal owner obtains a certificate of possession from DEEP within the 180 days after that date;
2. distributed directly to a legal beneficiary of a trust or to a legal heir and he or she also obtains a certificate of possession from

DEEP within 180 days after receiving the specimen; or

3. part of a museum collection of an institution with a federal educational or scientific tax exemption or will be used by a zoological institution for educational purposes, as long as it is not subsequently sold, offered for sale, traded, bartered, or distributed to another party.

For a transfer to a legal beneficiary or heir to be exempt, the specimen must also have been located or possessed by the decedent before October 1, 2021, and the beneficiary or heir may not then sell or offer the specimen for sale, or trade, barter, or distribute it to someone else.

**Zoos, Circuses, and Production Companies.** The bill allows zoological institutions and circuses to import, transport, or possess live big six African species.

It also allows for the exhibition, purchase, transport, or use of these animals in a motion picture, television, or digital media production. To do so, the involved production company must employ or contract with a federally licensed dealer or exhibitor or a federally registered carrier, intermediate handler, or unlicensed exhibitor.

By law, these dealers and exhibitors must meet U.S. Department of Agriculture (USDA) standards for humanely handling, caring for, treating, and transporting animals (7 U.S.C. § 2143). Carriers and intermediate handlers must follow USDA requirements for accepting animals for transport, such as documentation, transport conditions, and delivery notification (9 C.F.R. § 3.136).

## **ENFORCEMENT**

Beginning October 1, 2021, any law enforcement officer may enforce the bill's provisions, including executing warrants to search for and seize a banned specimen.

The bill requires (1) seizing the specimen and any other property or item used in connection with violating the ban and (2) holding the

specimen, property, or item pending any criminal proceeding. In the proceeding, the bill allows secondary evidence, such as photographs, to be admissible as evidence to the same extent as the banned specimen.

Under the bill, if there is a conviction or an entry of judgment restraining a defendant from violating the ban, any specimen, property, or other item seized and held related to the violation must be forfeited. A specimen (unless alive), property, or item must also be destroyed.

## **BACKGROUND**

### ***International Law on Animal Trade***

CITES is an international treaty under which governments agree to restrict international trade in certain plants and animals and products derived from them. It provides a framework for countries to follow when adopting legislation to implement the treaty. Trade in protected species must be licensed and there are different levels of protection based on a species' endangered status. CITES currently has 183 members as parties to the treaty, including the United States.

## **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 24 Nay 8 (03/12/2021)