



General Assembly

Substitute Bill No. 925

January Session, 2021



**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) (1) Any person who violates the provisions of this section for (A)
47 a first offense shall have committed an infraction, unless such person in
48 good faith at the time of such offense was unaware that he or she was
49 importing, possessing, selling, offering for sale or transporting any

50 specimen of a big six African species, or (B) a second offense shall have
51 committed an infraction if such person previously violated the
52 provisions of this section, but was not found to have committed an
53 infraction because he or she in good faith at the time of such previous
54 offense was unaware that he or she was importing, possessing, selling,
55 offering for sale or transporting any specimen of a big six African
56 species.

57 (2) Any person who subsequently violates the provisions of this
58 section and whose immediate previous offense for a violation of this
59 section was an infraction under subdivision (1) of this subsection shall
60 be guilty of a class B misdemeanor.

61 (3) Any person who violates the provisions of this section for any
62 offense subsequent to an offense under subdivision (2) of this subsection
63 shall be guilty of a class D felony.

64 (g) Any specimen of a big six African species and any other property
65 or item that is seized and held pursuant to this section shall be forfeited
66 and, upon such forfeiture, destroyed if seized from any person who is
67 (1) found to have violated the provisions of this section under
68 subdivision (1) of subsection (f) of this section, whether or not such
69 violation constitutes an infraction, (2) convicted under subdivision (2)
70 or (3) of subsection (f) of this section, or (3) restrained by a judgment
71 from importing, possessing, selling, offering for sale or transporting any
72 specimen of a big six African species on the grounds that such activity
73 is or would be a violation of the provisions of this section. Nothing in
74 this subsection shall be construed to require or authorize the destruction
75 of a living specimen of a big six African species.

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

79 (i) Nothing in this section shall be construed to apply to the
80 importing, transporting or possessing of a live big six African species by

