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PUBLIC SAFETY

HOUSE FILE 127
BY SWAIM

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act regulating dangerous animals, including their possession,
2 requiring registration, and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 127

1 Section 1. NEW SECTION. 717F.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. a. "Dangerous animal" means any of the following:

5 (1) A member of the family canidae of the order carnivora,
6 including but not limited to wolves, coyotes, and jackals.

7 However, a dangerous animal does not include dogs recognized
8 as a domestic breed, including but not limited to a registry
9 association recognized by the department.

10 (2) A member of the family hyaenidae of the order of
11 carnivora, including but not limited to hyenas and aardwolves.

12 (3) A member of the family felidae of the order carnivora
13 including, but not limited to, lions, tigers, cougars,
14 leopards, cheetahs, ocelots, and servals. However, a
15 dangerous animal does not include cats recognized as a
16 domestic breed, including but not limited to cats shown as a
17 domestic breed by a registry association recognized by the
18 department.

19 (4) A member of the family ursidae of the order carnivora,
20 including bears and pandas.

21 (5) A member of the order of primates other than humans,
22 and including the following families: callitrichidae,
23 cabidae, cercopithecidae, cheirogaleidae, daubentoniidae,
24 galagonidae, hominidae, hylobatidae, indridae, lemuridae,
25 loridae, megaladapidae, or tarsiidae. A member includes but
26 is not limited to marmosets, tamarins, monkeys, lemurs,
27 galagos, bushbabies, great apes, gibbons, lesser apes, indris,
28 sifakas, and tarsiers.

29 (6) A member of the order crocodylidae, including but not
30 limited to alligators, caimans, crocodiles, and gharials.

31 (7) A member of the family varanidae of the order
32 squamata, which are limited to water monitors and crocodile
33 monitors.

34 (8) A member of the order squamata which are venomous,
35 including but not limited to any members of the family

1 elapidae such as cobras, mambas, and coral snakes and any
2 member of the family viperidae such as moccasins and
3 rattlesnakes.

4 b. "Dangerous animal" includes an animal which is the
5 offspring of an animal provided in paragraph "a", and another
6 animal provided in that paragraph or any other animal. It
7 also includes animals which are the offspring of each
8 subsequent generation.

9 2. "Department" means the department of natural resources
10 created in section 455A.2.

11 3. "Electronic identification device" means a device which
12 when installed is designed to store information regarding an
13 animal or the animal's owner in a digital format which may be
14 accessed by a computer for purposes of reading or manipulating
15 the information.

16 4. "Possess" means to own, keep, or control an animal, or
17 supervise or provide for the care and feeding of any animal,
18 including any activity relating to confining, handling,
19 breeding, transporting, or exhibiting the animal.

20 5. "Wildlife sanctuary" means an organization exempt from
21 taxation pursuant to section 501(c) of the Internal Revenue
22 Code that operates a place of refuge where abused, neglected,
23 unwanted, impounded, abandoned, orphaned, or displaced
24 wildlife are provided care for their lifetime, if all of the
25 following apply:

26 a. The organization does not buy, sell, trade, auction,
27 lease, loan, or breed any animal of which the organization is
28 an owner, except as an integral part of the species survival
29 plan of the American zoo and aquarium association.

30 b. The organization is accredited by the American
31 sanctuary association, the association of sanctuaries, the
32 world association of zoos and aquariums, or another similar
33 organization recognized by the department.

34 Sec. 2. NEW SECTION. 717F.2 RULEMAKING -- 28E AGREEMENTS
35 -- ASSISTANCE OF ANIMAL WARDEN.

1 1. The department shall administer this chapter by doing
2 all of the following:

3 a. Adopting rules as provided in chapter 17A for the
4 administration and enforcement of this chapter.

5 b. Entering into agreements pursuant to chapter 28E as the
6 department determines necessary for the administration and
7 enforcement of this chapter.

8 2. An animal warden as defined in section 162.2 shall
9 assist the department in seizing and maintaining custody of
10 dangerous animals.

11 Sec. 3. NEW SECTION. 717F.3 POSSESSION OF A DANGEROUS
12 ANIMAL -- PROHIBITIONS.

13 A person shall not do any of the following:

14 1. Possess a dangerous animal except as otherwise provided
15 in this chapter.

16 2. Allow a dangerous animal in the person's possession to
17 breed.

18 3. Transport a dangerous animal into this state.

19 Sec. 4. NEW SECTION. 717F.4 PERSONS POSSESSING DANGEROUS
20 ANIMAL ON THE EFFECTIVE DATE OF THIS ACT.

21 A person who possesses a dangerous animal on the effective
22 date of this Act may continue to possess the dangerous animal
23 subject to all of the following:

24 1. If the person possesses the dangerous animal pursuant
25 to a valid federal license or permit issued prior to the
26 effective date of this Act, the person must maintain
27 possession according to the terms of the license or permit.

28 2. The person shall care for the animal as required
29 pursuant to the federal Animal Welfare Act, 7 U.S.C. § 2131 et
30 seq., and regulations promulgated by the United States
31 department of agriculture which apply to facilities and their
32 operations, animal health and husbandry practices, and
33 veterinary care.

34 3. Within sixty days after the effective date of this Act,
35 the person must have an electronic identification device

1 implanted beneath the skin or hide of the dangerous animal,
2 unless a licensed veterinarian states in writing that the
3 implantation would endanger the comfort or health of the
4 dangerous animal. In such case, an electronic identification
5 device may be otherwise attached to the dangerous animal.

6 4. Within sixty days after the effective date of this Act,
7 the person must notify the department using a registration
8 form prepared by the department. The registration form shall
9 include all of the following information:

- 10 a. The person's name, address, and telephone number.
- 11 b. A complete inventory of each dangerous animal that the
12 person possesses. The inventory shall include all of the
13 following information:

- 14 (1) The number of dangerous animals in the person's
15 possession according to species.

- 16 (2) The manufacturer and manufacturer's number of the
17 electronic device implanted in or attached to each animal.

- 18 (3) The location where each dangerous animal is kept. A
19 person who possesses a dangerous animal must notify the
20 department in writing within ten days of a change in address
21 or location where the dangerous animal is kept.

- 22 (4) The approximate age, sex, color, weight, scars, and
23 any distinguishing marks of each dangerous animal.

24 The department may charge a registration fee which shall
25 not exceed five hundred dollars.

26 5. The person must maintain health and ownership records
27 for each dangerous animal in the person's possession for the
28 life of the animal.

29 6. The person shall confine the dangerous animal in a
30 primary enclosure as defined in section 162.2 on the person's
31 premises. The person shall not allow the dangerous animal
32 outside of the person's premises where the dangerous animal is
33 kept unless the dangerous animal is moved pursuant to any of
34 the following:

- 35 a. A permit issued by the department.

1 b. To receive veterinary care from a licensed
2 veterinarian.

3 c. To comply with the directions of the department or an
4 animal warden.

5 7. The person shall display at least one sign on the
6 person's premises where the dangerous animal is kept warning
7 the public that the animal is confined there. The sign shall
8 include a symbol warning children of the presence of the
9 dangerous animal.

10 8. The person must immediately notify an animal warden or
11 other local law enforcement official of any escape of a
12 dangerous animal.

13 9. The person who possesses the dangerous animal is
14 strictly liable for any damages or injury incurred by a person
15 resulting from an act by the dangerous animal.

16 10. If the person is no longer able to care for the
17 animal, the person shall notify the department and find long-
18 term placement for the dangerous animal with a wildlife
19 sanctuary.

20 Sec. 5. NEW SECTION. 717F.5 SEIZURE, CUSTODY, AND
21 DISPOSAL OF DANGEROUS ANIMALS.

22 1. a. Except as provided in paragraph "b", the department
23 shall seize a dangerous animal which is in the possession of a
24 person if the person is not in compliance with the
25 requirements of this chapter.

26 b. Upon request, the department may provide that the
27 person retain possession of the dangerous animal for not more
28 than ten days, upon conditions required by the department.
29 During that period, the person shall take all necessary
30 actions to comply with this chapter. The department shall
31 inspect the premises where the dangerous animal is kept during
32 reasonable times to ensure that the person is complying with
33 the conditions.

34 2. If the person fails to comply with the conditions of
35 the department at any time or is not in compliance with this

1 chapter following the ten-day period, the department shall
2 seize the dangerous animal.

3 a. The dangerous animal shall be considered to be a
4 threatened animal which has been rescued as provided in
5 chapter 717B. The court may authorize the return of the
6 dangerous animal to the person from whom the animal was seized
7 if the court finds all of the following:

8 (1) The person is capable of providing the care required
9 for the dangerous animal.

10 (2) There is a substantial likelihood that the person will
11 provide the care required for the dangerous animal.

12 (3) The dangerous animal has not been abused, neglected,
13 or tortured, as provided in chapter 717B.

14 b. If the court orders a permanent disposition of the
15 dangerous animal, the dangerous animal shall be subject to
16 disposition as provided in section 717B.4 and the responsible
17 party shall be assessed costs associated with its seizure,
18 custody, and disposition as provided in that section. The
19 department may find long-term placement for the dangerous
20 animal with a wildlife sanctuary or institution accredited by
21 the American zoo and aquarium association.

22 Sec. 6. NEW SECTION. 717F.6 EXEMPTIONS.

23 This chapter does not apply to any of the following:

24 1. An institution accredited by the American zoo and
25 aquarium association.

26 2. A wildlife sanctuary.

27 3. A circus that obtains a permit from the municipality in
28 which it will be temporarily operating.

29 4. The state fair as provided in chapter 173 or any fair
30 as provided in chapter 174.

31 5. A location where an animal is maintained for
32 educational or scientific purposes, including an institution
33 as defined in section 145B.1, a research facility as defined
34 in section 162.2, an exhibition, or a vehicle used to
35 transport the animal.

1 6. A location operated by a person licensed to practice
2 veterinary medicine pursuant to chapter 169.

3 7. A pound as defined in section 162.2.

4 8. An animal shelter as defined in section 162.2.

5 Sec. 7. NEW SECTION. 717F.7 PENALTY.

6 A person who violates this chapter is guilty of a serious
7 misdemeanor.

8 EXPLANATION

9 This bill creates a new Code chapter 717F, which regulates
10 the possession of dangerous animals which are defined to
11 include wolves, coyotes, jackals, hyenas, lions, tigers,
12 cougars, leopards, cheetahs, ocelots, servals, bears, pandas,
13 primates other than humans, alligators, crocodiles, water
14 monitors, and venomous snakes.

15 The department of natural resources is charged to
16 administer the bill's provisions, although the department may
17 execute 28E agreements with other government entities. The
18 bill makes it a criminal offense to possess a dangerous
19 animal, with certain exceptions, to allow a dangerous animal
20 in the person's possession to breed, or to transport a
21 dangerous animal into this state.

22 The bill specifically allows a person to possess a
23 dangerous animal if the person has possession of the dangerous
24 animal on the effective date of the bill, but subject to
25 certain conditions. The person must maintain the animal in
26 compliance with the terms of a federal permit or license, and
27 must otherwise comply with applicable federal law. The person
28 must attach or install an electronic identification device to
29 the dangerous animal or beneath its skin or hide. The person
30 must also register with the department, and maintain health
31 and ownership records. The bill also provides that the person
32 must confine or move the animal according to a number of
33 specifications designed to secure it from the public. The
34 person is strictly liable for damages or injuries resulting
35 from the actions of the dangerous animal.

1 The bill provides for the seizure, custody, and disposal of
2 dangerous animals which are kept in violation of the bill's
3 provisions. The department may allow the person in possession
4 of the dangerous animal to correct the violation and keep the
5 animal for 10 days but subject to conditions established by
6 the department. If the person fails to comply with those
7 conditions at any time or is not in compliance with the bill's
8 provisions following the 10-day period, the department is
9 required to seize the dangerous animal. The dangerous animal
10 is considered a threatened animal in the same manner as
11 provided in Code chapter 717B, which authorizes the rescue of
12 animals other than livestock. It provides for notifying the
13 owner of the animal of the seizure, provides for a court
14 hearing to determine disposition, and requires that persons
15 responsible for the animal pay costs associated with its
16 custody and disposition. The bill provides that a court may
17 order the return of the dangerous animal if it determines that
18 the person is capable of providing for its care, that there is
19 a substantial likelihood that the person will provide such
20 care, and that the dangerous animal has not been abused,
21 neglected, or tortured, as provided in Code chapter 717B.

22 The bill exempts a number of persons and locations from the
23 requirements of the bill, including an accredited zoo,
24 wildlife sanctuary, circus, fair, research facility, licensed
25 veterinarian, pound, or animal shelter.

26 A person who violates the bill's provisions is guilty of a
27 serious misdemeanor. A serious misdemeanor is punishable by
28 confinement for no more than one year and a fine of at least
29 \$250 but not more than \$1,500.

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